



FINAL REPORT AND RECOMMENDATIONS

J E J Fahlgren
Commissioner

June 1985

the ROYAL COMMISSION on the
NORTHERN ENVIRONMENT

FINAL REPORT AND RECOMMENDATIONS
OF THE
ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

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Royal Commission
on the Northern
Environment

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From the Office of
the Commissioner

June 28, 1985

The Honourable James Bradley, Minister
Ministry of the Environment
Suite 100
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Minister,

Further to Orders-in-Council 1900/77 and 2316/78 establishing the Royal Commission on the Northern Environment under the Public Inquiries Act, my inquiry is completed.

I am pleased to deliver to you today four copies of the report and four copies of six major studies which served me well in preparing my final recommendations. A list of the six studies is attached.

I trust that you and your colleagues will find cause to give these recommendations careful consideration.

It has been an honour and a privilege to serve the Province of Ontario in the capacity of Commissioner since August 2nd, 1978.

Yours very truly,

J.E.J. Fahlgren

A large, stylized handwritten signature of J.E.J. Fahlgren, written in dark ink. The signature is fluid and extends across the width of the page.

Commissioner

The Honourable James Bradley

List of Studies

- 1) Tourism Development in Ontario North of 50°
- 4 volumes.
- 2) The Future of Mineral Development in the
Province of Ontario - North of 50° with 13
accompanying technical papers.
- 3) The People of the North - In Quest of
Understanding.
- 4) The Story of the Kiashe River Native
Development Inc.
- 5) North of 50°: An Atlas of Far Northern
Ontario.
- 6) The Kayahna Region Land Utilization and
Occupancy Study.

ACKNOWLEDGEMENTS

An inquiry destined to involve human, animal and plant life, the purity of air and water, and the preservation of Ontario's heritage encompassing that northern half of the province's land mass above the 50th parallel could not be undertaken nor accomplished without the dedication, interest, co-operation and support of hundreds of people in the way of staff, communities, Chambers of Commerce, associations and researchers.

This report is based on the massive evidence presented and researched, the experience and wealth of knowledge imparted by all who participated in one way or another to assist me. I am responsible for the final recommendations presented in this report, and the time element the inquiry's broad mandate required.

To the hundreds of Ontarians who have assisted me in my task, I extend a grateful handgrip with sincere thanks, and to the many good friendships established over these years.

A special thanks to Justice E. Pat Hartt, whom I succeeded as Commissioner of the Inquiry, for his advice, and support in the transition; Marc Couse, my Executive Director for his dedication, expertise and support beyond the line of duty; Lesley Andersen, who so ably set up and managed our Head Office in Thunder Bay; George McLeod of Timmins, who with a wealth of northern experience and personal acquaintances of the Chiefs and Councils across the north, directed my first visits to the reserves and introduced me to the people; Ruth Burkholder, manager of the Timmins office; Ian Fraser, Director of Research and Cathy Potter, assistant researcher; William Mamakeesick, who interpreted for us during visits and hearings; Thomas Fiddler, Elder Emeritus of the north for his wisdom; Chief Gerry McKay, Chairman Kiyahna Tribal Area Council; Charles Morris, Administrator - Big Trout Lake; Chief Harvey Yesno of Fort Hope; Chief Enus Crowe and Councillor Archie Stoney of Fort Severn; Chairman Mike Wabasse of Summer Beaver and Leonard Sugarhead, community resource worker; Joyce Kleinfelder, Anthropologist; Andrew Yesno of Fort Hope; our Counsel, Gaylord Watkins and Roger Cotton, who very effectively, during the hearings sought out the questions and reviewed the legislation pertinent to the Commission's inquiry; Theodore P. Castonguay and Miss Leslie E. Malcolm, official Court Reporters, and last, but certainly not least - Thomas Lambert (retired) and Marlene Brushett, my Administrators, respectively, whose experience and abilities to control our funded projects and operating budgets while maintaining good communication with the Ministries of the Environment and the Attorney General, speak for itself.

Finally, to my wife Helen, my heartfelt thanks for persevering through my long absences from home and the devastating fire that gutted our home, our libraries, music and collections of 40 years.

TABLE OF CONTENTS

Executive Summary

Chapter 1	Introduction	1-1
Chapter 2	The Need for Institutional Change	2-1
Chapter 3	Protecting the Northern Environment	3-1
Chapter 4	The Indian People in the North of Ontario	4-1
Chapter 5	The Northern Forest	5-1
Chapter 6	Mining	6-1
Chapter 7	Tourism	7-1
Chapter 8	Planning in the North	8-1
Chapter 9	Resource-Dependent Communities	9-1
Chapter 10	The Future: A Strategy for Community and Sectoral Planning	10-1
Summary of Recommendations		R-1

Appendix 1	Orders in Council 1900/77, 2316/78, 3679/81
Appendix 2	Mr. Justice E.P. Hartt Recommendations and Proposals for Action
Appendix 3	Public Funding
Appendix 4	Commissioner's letter to Premier W.G. Davis making Interim Recommendation
Appendix 5	Commissioner's letter to the Minister of the Natural Resources re Interim Recommendation
Appendix 6	Commissioner's letter to the Minister of the Environment re Interim Recommendation
Appendix 7	Commissioner's letter to the Minister of the Environment re Environmental Assessment Act and Land Use Planning
Appendix 8	Presentations to the Commission, November, 1977, to September, 1983
Appendix 9	Written Submissions and Exhibits
Appendix 10	Published Reports
Appendix 11	Commission Publications Depositories
Appendix 12	Staff List
Appendix 13	North-West Angle Treaty #3, Lake Winnipeg Treaty #5, The James Bay Treaty #9
Appendix 14	Staff Paper: <u>The Ministry of Natural Resources'</u> <u>Planning Activities in Ontario North of 50</u>

EXECUTIVE SUMMARY

The Royal Commission on the Northern Environment has examined a wide range of issues directly affecting the northern half of the Province of Ontario and indirectly, the entire province. The Commission found that the northern environment, the people who live there and their communities, are extremely vulnerable to the impacts of large scale resource development. These people do not have the capacity to influence the course of development. Nor are there counter-balancing mechanisms in place to ensure that northerners benefit from development and the northern environment is not irreparably harmed in the process.

Some counter-balancing mechanisms already exist but have not been extensively used. The assessment procedures under the Environmental Assessment Act are useful in determining if the northern environment can sustain proposed developments and in examining alternative undertakings. The Commission recommends that the Environmental Assessment Act apply to all undertakings proposed in the north which are found by the Ministry of the Environment to have potentially significant environmental effects. Such undertakings include private enterprises, such as forest cutting operations and mines as well as related infrastructure like access roads. Also included are public or governmental projects and programs, including the Ministry of Natural Resources' resource allocation and management guidelines or plans.

New counter-balancing mechanisms are required so that specific developments can be better designed to harmonize with and contribute to the betterment of the northern environment. The Commission recommends that an independent agency - the Northern Development Authority - be established and empowered to negotiate mandatory resource use agreements with enterprises proposing significant development of northern resources. The Commission contemplates that mitigation of adverse impacts, compensation for other resource users likely to be deprived of their livelihoods, construction of multi-purpose infrastructure, employment and local business opportunities would be normal subjects of resource use agreements. Northerners would administer the Northern Development Authority - and reflect the interests of northern people, including Indian people, and their towns, municipalities and communities.

The Commission has concluded that of all possible economic activities in the north, tourism has the greatest potential. It recommends that the Government of Ontario consider tourism as a major commercial activity in Ontario north of 50, and as the primary activity in the more remote parts of the farther north. Tourism management areas should be designated by the Government in which tourism is to be the dominant activity and resource use. Security of tenure was found by the Commission to be essential to the viability of private tourism enterprises on Crown land. The Commission recommends that the Government of Ontario sell Crown land to viable tourism enterprises after three years of operation. The Commission also recommends that Indian people be given priority in the establishing of tourism facilities and enterprises on Crown land in the farther north.

A number of the Commission's recommendations addressed the need to strengthen the tourism industry in the north and related resource management, particularly of northern fish and game stocks.

The dominant industry in the north today is the forest products industry. The environmental consequences of cutting trees, transporting timber, regeneration and other forest management activities were reviewed in some detail by the Commission. It has concluded that the boreal forest is particularly sensitive to clear cutting and other forest industry practices. The Commission recommends that the Ministry of Natural Resources formulate special "Standards for Cutting the Boreal Forest" and strengthen its Forest Resources Inventory so that it contains information on regeneration capability which can be used when decisions on allocating forest land for cutting are made.

The Commission found that considerable controversy exists over the condition of the province's forest and status of regeneration of it after cutting. Adequate information on these matters is lacking. It recommends that an Inspector of Forests be appointed to head an independent Forest Audit Agency with powers and responsibilities similar to the Provincial Auditor. The Inspector of Forests would report annually to the Legislature on such matters as the condition of the forests, the conduct of forest management by the Ministry of Natural Resources and forest products companies and the extent and success of regeneration.

The Commission has concluded that the forest management agreements gradually being introduced by the Ministry of Natural Resources for company management units are, in general, beneficial to the northern environment. These agreements give security of tenure to a company which performs specified forest management and regeneration responsibilities aimed at introducing sustained yield management to the forest land involved. Sustained yield means that no more should be cut than the forest can grow in any one year.

The Commission recommends that the Ministry of Natural Resources bring all company management units under forest management agreements by December 31, 1988. Further, it recommends that the Ministry of Natural Resources be required to manage all crown management units on a sustained yield basis as well.

Certain recommendations of the Commission are directed to improving the standard forest management agreement and in particular to enable the designation of forest protection areas well in advance of cutting plans. These are areas which are environmentally sensitive or which are in their natural state by other resource users. Forest protection areas would, if the Commission's recommendations are implemented, be designated by the Minister of Natural Resources at the request of any interested party provided that no objection to such designation was received. Where designation is disputed, the Commission recommends that the Northern Development Authority be empowered to decide whether designation should occur and under what conditions.

The Commission has recognized that modified forms of cutting should be appropriate in the boreal forest and that special methods of cutting might be used in forest protection areas. The Commission recommends that the Ministry of Natural Resources consider requiring all cutting in environmentally sensitive areas and forest protection areas to be carried out by specialized cutting companies. It has recommended that environmental assessments of cutting methods be carried out so that an information base is established on the environmental effects of cutting methods in representative boreal forest areas.

The Commission found that the Province of Ontario and forest products companies must accelerate the rate at which cut over forest land is being successfully regenerated. The Commission recommends that at least 80% of cut over areas be planted immediately after cutting with seedlings possessing genetic capacity for faster growth and larger timber volume. The Commission also recommends that the backlog of cutover forest land not sufficiently regenerated be rehabilitated over the next 20 years and that rehabilitation efforts be focused on forest land most likely to sustain regrowth which are closest to existing mill sites and on forest lands around communities in which the principle employer is the forest products industry. Further, the Commission recommends that intensive forestry activity such as thinning, spacing and fertilization be expanded so that by 1990 all areas artificially seeded or planted are spaced and thinned at intervals of time acceptable to the Inspector of Forests.

On the basis of independent research carried out by Lakehead University, the Commission has concluded that wood supply in Ontario's forest cannot support expanded wood processing capacity. It accordingly recommends that the Government of Ontario freeze mill capacity until sustained yield forest management improves the wood supply situation.

It was the prospect of a new pulp and paper mill and the grant of the largest tract of forest land ever given to a single company which lay behind the establishment of the Commission. But the new Reed mill contemplated in 1977 is no longer an economic proposition. Nor does Reed Ltd.'s successor, Great Lakes Forest Products Ltd., require wood from the Reed tract for its Dryden mill complex. The Commission recommends that the Reed Agreement be repudiated by the Government of Ontario and no part of the tract be licensed for cutting until the Commission's major recommendations with respect to the northern forest are implemented.

A related matter involves the effects on White Dog and Grassy Narrows of mercury pollution of the river system from which these communities derived employment and sustenance. The Commission recommends that until the claims of White Dog and Grassy Narrows are settled, the Government of Ontario should not grant any cutting rights to Great Lakes Forest Products Ltd., or any subsequent owner of the Dryden Mill Complex, in forest land outside existing company management units.

Another major industry in the north which is likely to contribute substantially to the northern economy in the future is the mining industry. The Commission has found that this industry is relatively neglected by the Government of Ontario. The Commission recommends that the Ministry of Mines be reestablished and that its geological and technical staff undertake innovative research, mapping, geochemical testing, airborne geophysics and diamond drilling in support of similar initiatives by industry. The Commission also recommends that the Ministry of Mines review the appropriateness of existing taxes borne by the mining industry and recommend reforms which would encourage greater exploration and development of mineral resources.

The environmental implications of mining development were acknowledged by the Commission. It recommended that new mining reduction mills or expansions of existing mills should incorporate the latest proven pollution abatement technologies. Further, such undertakings would be subject to environmental assessment given the Commission's recommendations that all significant undertakings in the north be brought under the Environmental Assessment Act.

The Indian people of the north, who make up most of the population there, were a major preoccupation of the Commission. The unacceptable conditions of life in many Indian communities pose long term problems for the federal Government, which has primary responsibility for Indians under the Canadian Constitution. Problems are also posed for the Government of Ontario which must carry the expanding burden of educational and social assistance payments arising from the more rapid growth of the Indian population and the inadequate land base of their communities in the north of Ontario.

To help provide a better land base, the Commission recommends that the Government of Ontario grant Crown land to Indian communities north of 50. It recommends procedures for selecting the land to be granted involving an independent Northern Land Commissioner appointed under the Public Inquiries Act. The Crown lands to be granted should help meet community needs for food gathering, housing, community facilities, water supply, energy, fuel and building materials. The Commission recommends that that Government grant all rights in such lands, including mineral rights. An Indian community would then have similar rights in these lands as it has to land in its reserve.

The Commission also recommends that community use areas be designated north of 50 in which hunting, fishing and trapping by Indian persons would have priority over other resource users, unless a resource use agreement has been negotiated by the Northern Development Authority. The designation of community use areas would flow from applications by any Indian community located north of 50 to the Minister of Natural Resources. If the Minister was satisfied that the community relied on the area for hunting, fishing and trapping, designation would follow. Existing rights of use or occupancy would be excluded from community use areas. Public access along waterways and reasonable public recreational and tourism uses would continue.

The Commission heard evidence of the conflicts which continue to exist between the Ministry of Natural Resources and northerners, including Indian communities, on the appropriateness of Ministry restrictions on levels of hunting, fishing and trapping. The Commission recommends that an independent scientist acceptable to affected northern communities be appointed to decide on the appropriateness of such restrictions. The scientist's decisions would be binding on all parties.

Of particular concern to the Commission was the adequacy of educational opportunities available to Indian people north of 50. In a number of recommendations, the Commission calls for stronger and more relevant Indian community schools with grades 9 and 10 to allow children to remain in the community, and elected school boards with responsibility for administration and delivery of all educational services in the community. Special curricula should be developed for community schools to accommodate the community's desire for education in traditional culture. The Commission also calls for a special high school for Indian students with technical and vocational options considered useful by representatives of Indian community school boards.

The Commission also recommends that the Ministry of Natural Resources train and employ Indian Conservation Officers who would reside in Indian communities and have responsibility for conservation in community use areas.

A prominent feature of the northern environment is the resource-dependent community. There, most amenities taken for granted by people living in southern communities of the province do not exist. The Commission recommends that a special fund be established by the Government of Ontario to be used for medical, educational, cultural and recreational purposes in communities north of 50. The fund would be financed by allocating a percentage of revenues collected by the Government from mining and forest undertakings north of 50 in the form of underground mining taxes and stumpage fees. The fund should be administered by a board of northerners.

Land and resource use planning was another major area investigated by the Commission. It has concluded that the land use planning exercise undertaken by the Ministry of Natural Resources is fundamentally flawed. The process did not include the participation of the Indian people of the north or their resource use or gathering needs. The resource production targets and allocation specified in the plans or guidelines were not subjected to environmental assessment.

The Commission recommends that any planning process in the north involve wide public participation, include advisory groups representing affected interests and be supported by timely dissemination of information to northern communities. The Commission recommends also that the Ministry of Natural Resources should publish its land use "guidelines" for the northern districts (West Patricia, Geraldton and Moosonee) but should state clearly in such documents that the guide-lines have no official status and will not be used in allocating particular resources.

As already indicated, the Commission has called for the application of the Environmental Assessment Act to proposals, plans, programs, and resource management plans in the north.

The Environmental Assessment Act is seen by the Commission as a key mechanism for ensuring the betterment of the northern environment. Experience with the Act and its procedures to date permits the Commission to make a number of technical recommendations to improve the Act's functioning. An expanded role is seen for the recently appointed Environmental Assessment Advisory Committee. Recommendations are made with respect to greater public notice requirements, better access to the record established by the Ministry of the Environment for proposed undertakings - particularly for northern communities, the funding of public participation in the environmental assessment process and methods for resolving inter-provincial and federal-provincial conflicts in environmental assessments. The Commission cannot accept the use of class environmental assessments for environmentally significant undertakings proposed for north of 50, such as access roads and forest management plans. It recommends the strengthening of "bump-up" provisions to permit environmental assessments of particular undertakings if requested by affected persons or triggered by resource use conflicts or unique ecological circumstances.

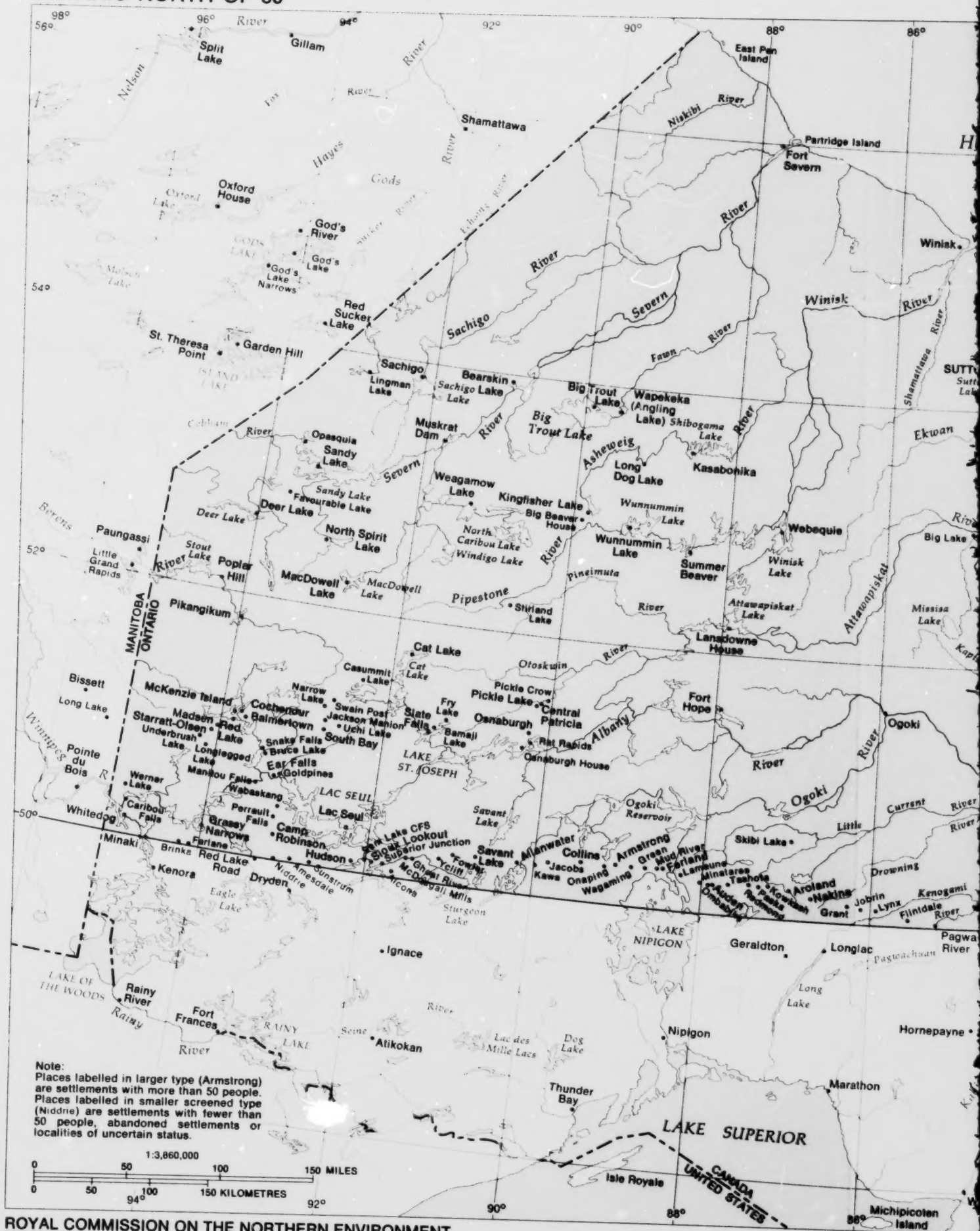
The Commission sees a special role for community and sectoral planning in the north of the province. The final chapter of its report contains a lengthy discussion of these matters.

LOCATION OF ONTARIO NORTH OF 50°





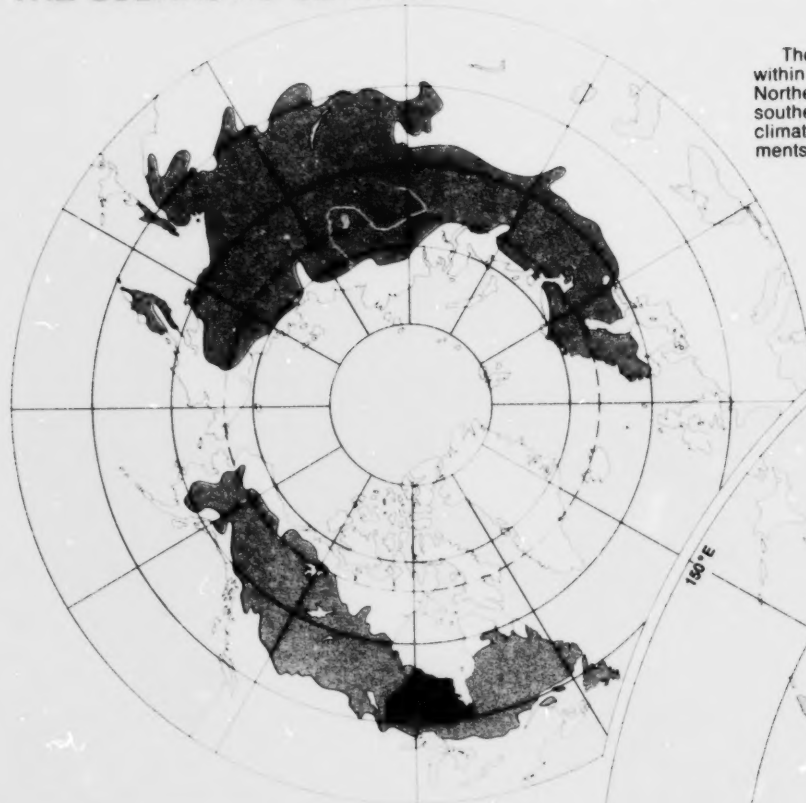
ONTARIO NORTH OF 50°



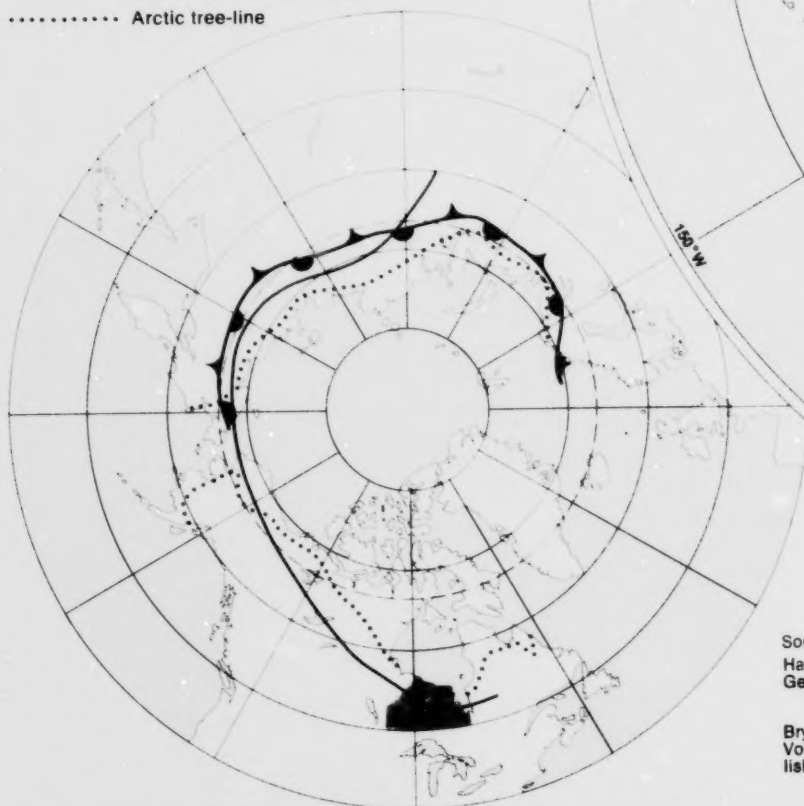
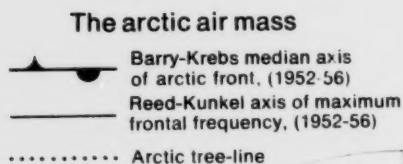


THE SUBARCTIC SETTING

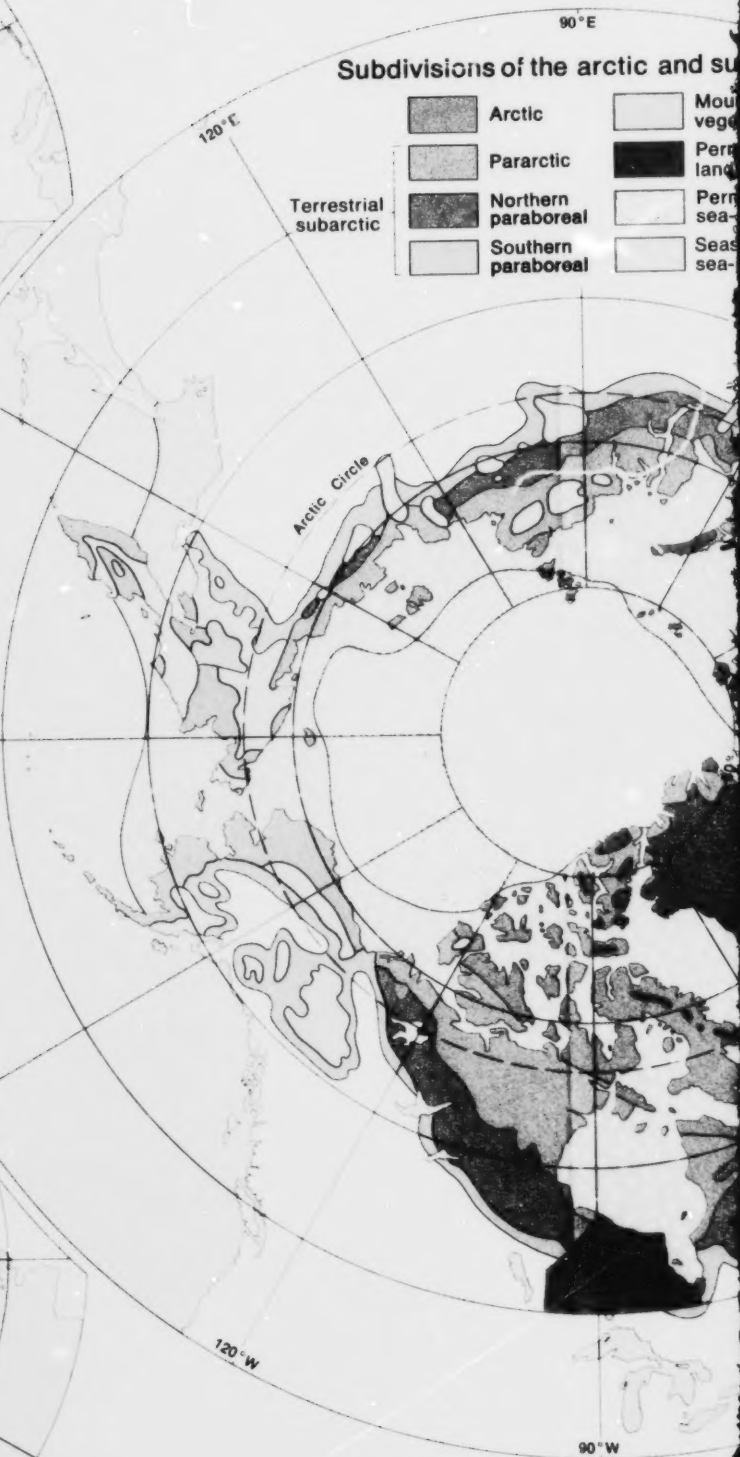
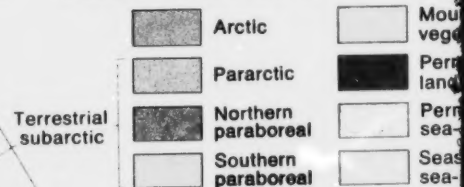
These maps portray the setting of Ontario North of 50° within the subarctic zones of the northern hemisphere. Northern Ontario and northern Québec mark the maximum southerly extent, at low elevations, of several climatic and climatically influenced features typical of subarctic environments.



The boreal forest



Subdivisions of the arctic and subarctic



Sources

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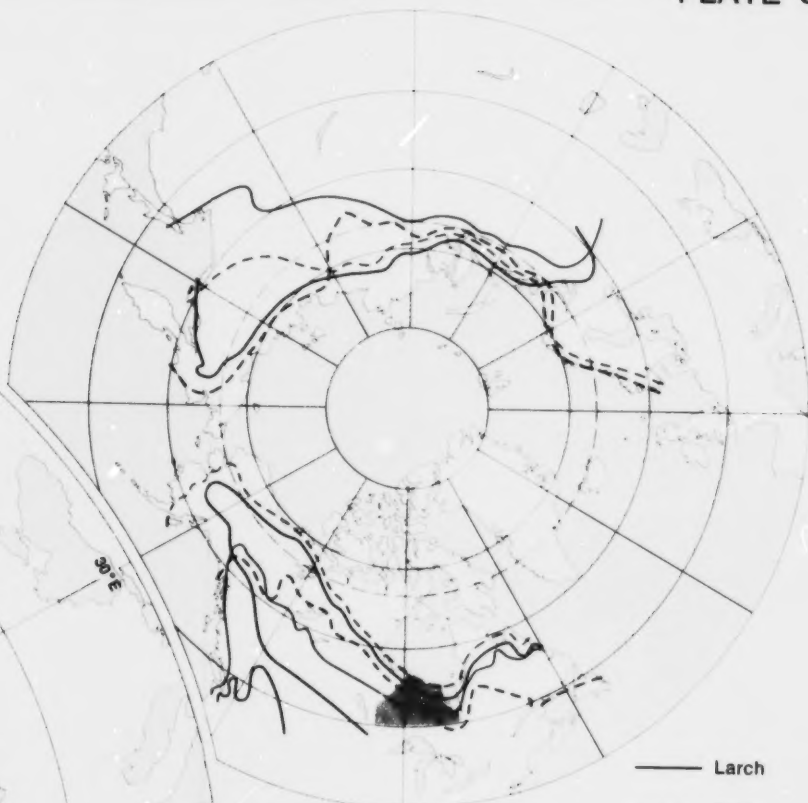
Strahler, A.H., and Sons Inc.

Blüthgen, J., 1974. Differentiation of Europe. In Ecology of the Helsinki Symposium.

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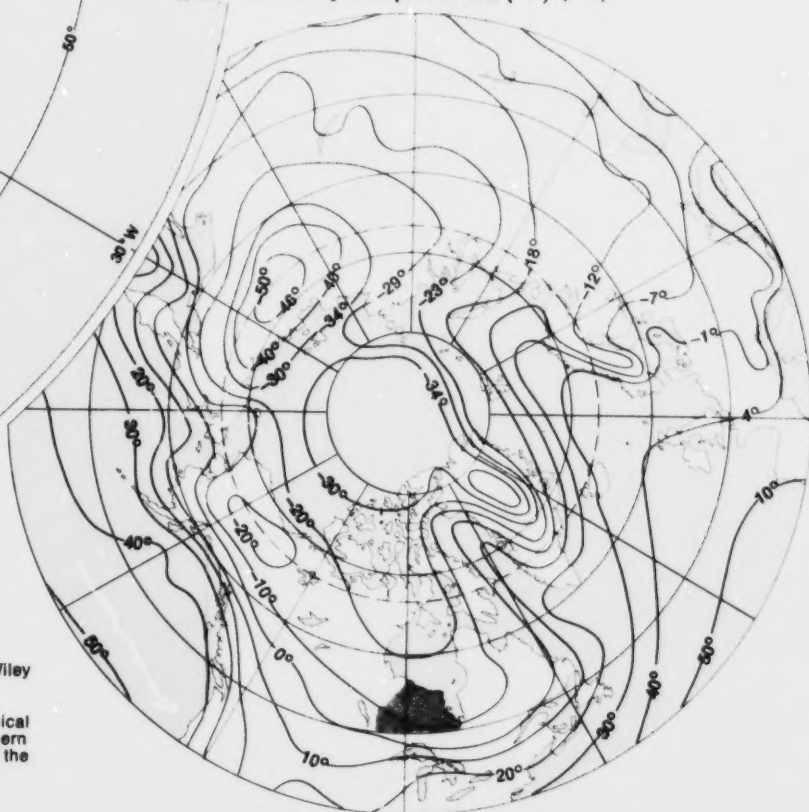
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|--|---|
|  Arctic |  Mountainous vegetation |
|  Pararctic |  Permanent land-ice |
|  Northern paraborcal |  Permanent sea-ice |
|  Southern paraborcal |  Seasonal shifting sea-ice |



Northern limits of tree genera

- Larch
--- Pine
— Fir
--- Spruce

January temperature (°F) (°C)



Bioclimates. Strahler, A.H., 1975. Physical Geography, 4th ed. John Wiley and Sons Inc., New York.

Climatology. Blüthgen, J., 1970. Problems of Definition and Geographical Differentiation of the Subarctic with Special Regard to Northern Europe. In Ecology of the Subarctic Regions, Proceedings of the Helsinki Symposium, UNESCO, Paris.

INTRODUCTION

This is a report of a Royal Commission that has looked into that most complex of inter-relationships: man and nature. It was begun out of concern about the fragile environment of a geographically, economically and ecologically unique part of the Province of Ontario. Over the past eight years, the Commission's work has involved exploration of most major aspects of the northern half of Ontario that has remained, for too long, as unknown to the rest of the province as it is vital. It is my earnest hope that this report and its recommendations will be read as a new source of understanding of Ontario north of 50.

Following my decision, made with great enthusiasm, to complete the work of the Royal Commission on the Northern Environment, I proceeded to study the geography of this vast province to better understand the relationships of the north and the south of this province.

I found that by concentrating on the geography of the world's surface, its form and physical features, the uniqueness of the Province of Ontario stood out as most fascinating. If you make a point to centre your eyes on Ontario, as you see North America flash by on the television screen, you too will be cognizant of its uniqueness.

On the maps of the world and compared to other provinces, states and countries, Ontario's remarkable and characteristic physical geography clearly stands out, influencing a vast region from the 57th parallel in the north to the 42nd parallel in the south. Its geography is the reason for the importance the Province of Ontario has established for itself and Canada in the continental northern hemisphere.

This uniqueness originates from the aftermath of a colossal violent incursion of shattering force into the North American land mass (some say by asteroid or massive meteorites) that centred on the area within the Precambrian Shield now identified by the formidable Hudson and James Bays (roughly 1120 kms long by 1120 kms wide). The massive incursion produced a great, if not the greatest, visible depression into the earth's crust and therewith developed the tremendous Hudson Bay Basin with its drainage boundaries which is exemplified by the foremost rivers (Severn, Winisk, Attawapiskat, Albany, Missinaibi/Mattagami/Moose, Abitibi, Harricana, La Grande, Nottoway, Rupert, Great Whale, Eastmain, Hayes, Nelson, Churchill, Kazan and Thelon) flowing into the basin from all directions through the enveloping Precambrian Shield. Moreover, this incursion precipitated much volcanic action, and explosive eruption throughout the shield. Later the Hudson Bay Basin was to become a natural anchor of the Laurentide ice sheet.

Unquestionably this violent incursion, that ignited cataclysmic action, down warped basins, troughs, and concurrent major folding and faulting both within and along the outer perimeter of the Precambrian Shield produced a majestic half circle, marking in a step arrangement the imposing deep-seated Great Lakes Basin (Lake Superior-406 metres deep, Lake Huron-229 metres, Lake Erie-65 metres and Lake Ontario-245 metres), and St. Lawrence River that generally conform to the southern shoreline of the Hudson and James Bays. Major lake development also followed the perimeter of the shield west and northward, clearly defined by the Lake of the Woods, Lakes Winnipeg/Manitoba/Winnipegosis, Cedar Lake, Lac la Ronge, Reindeer Lake, Lake Athabaska, Great Slave Lake and Great Bear Lake.

Following the arc of these developed lakes along the perimeter of the Precambrian shield, strangely enough is a similar circle of confirmed meteorite craters encircling the Hudson and James Bays (a third of the world's largest craters). Canada's greatest metal deposits have, up to now, been found in and along the same circle. While the Sudbury basin is listed as a confirmed meteorite crater, recent studies by the Ontario Geological survey raise a question - is it related to several volcanic calderas?

The resultant world-renowned Great Lakes chain, the largest fresh water system in the world, not only defines Ontario's southern boundary but provides open ocean access to its inland harbours. Ontario alone controls the northern half of the Great Lakes, but the southern half is shared by eight American states - Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania and New York. While western Canada's southern boundary is set at the 49th parallel, the formation pattern of the Great Lakes waterway extends Ontario 1127 kilometres deep into the continent to the 42nd parallel, reaching into the heartland of North America's greatest density of population, to a point where the earth's latitude would circle northern California, Italy, part of the Mediterranean Sea, the Black Sea, the Caspian Sea and the Sea of Japan.

The location of the Hudson and James Bays, that mark Ontario's northern boundary, permits the frigid Arctic waters and ice flows to intrude some 1127 kilometres into the continental land mass. Northern Ontario along with Quebec on its eastern flank are therefore subject to subarctic environments, similar to conditions found in the far Northwest Territories above the 60th parallel. These arctic environments are consequently thrust further south than almost anywhere on earth, subjecting the province to the strengths and weaknesses that they represent.

The fact that the subarctic environments penetrate so deeply south into Ontario establishes the basic reason for the fragility of the boreal forest north of the 50th parallel.

It is remarkable therefore, that at the federal level Ontario's north is viewed more as typical of southern Ontario, rather than similar to the Northwest Territories, and that the

Ontario Government has not looked upon its north as distinctly different with a separate set of problems.

Ontario north of 50 is filled with paradoxes: it is far enough away from the centralized south of the province to keep people from examining it carefully with full understanding of its needs; yet it is near enough to make it vulnerable to the effects of economic plans and social patterns that do not take those needs into consideration. Too often, its people find that others, when they bother to think of the north at all, conceive of it as being precisely like the rest of the province — only colder.

Perhaps it is possible to communicate the differences by drawing just a few parallels between north and south: in January, the average mean temperature in Thunder Bay is -15°C ; it is -5°C in Toronto and -3°C in Windsor; the average on the shore of Hudson Bay is -25°C . In Toronto, there are, on the average, more than 2,000 hours of sunlight annually; Moosonee, on James Bay, gets only 1,700 hours on average (even Churchill, Manitoba, three degrees of latitude north of Moosonee, gets an average of more than 1,800 hours of sun annually.)

There are other telling contrasts as well: in the extreme southern portion of Ontario on the rim of Lake Erie, grow varieties of trees (e.g. hickory, sycamore, magnolias, dogwood) which are designated as "Carolinean forest" — that is, they are types common to the forested areas around North Carolina. By contrast, the growth in Ontario north of 50 is "boreal forest".

The term "boreal" refers to things northern and is used to describe trees which can withstand extremes of cold and dryness. The forests are almost entirely conifer — but not of the type most southerners know; it is too cold for the white pine, Ontario's woodland symbol, for example. Instead, we have black spruce — trees crowned with bluish-black needles. Standing densely at the southern edge of the forest, they become more and more widely spaced until, south of Hudson Bay, they disappear in favor of sub-Arctic vegetation.

I stress these are just examples of differences; as will become clear in the following pages, differences permeate most aspects of life north of 50. My emphasis on this is deliberate: unless and until it is understood and accepted, the problems this Commission set out to delineate will not be faced realistically and, therefore, will not be treated sensibly.

A key to understanding the north lies in its geological, historical and economic past. The structure of this chapter reflects that fact: it begins with an overview of the geography, climate, biology, geology, history and economics, and ends with a history of the Commission itself. Subsequent chapters examine the environment, the people and the industries of the north, as well as related issues arising from these topics. For each I have set out my recommendations, along with some perspective on how and why I have arrived at my conclusions.

I have never had much time for those who believe that the answer for the north lies in forming its own province. There appears to be a renewed interest in Ontario's northern heritage and a spirit of good will toward the people of Ontario's north, a willingness to examine their concerns, and to seek realistic and reasonable solutions. In fact many northerners have remarked that they have found government ministries and agencies, during the life-time of this Commission, to be more responsive to their petitions and questions, and shown an increased respect for their opinions. Separation is neither needed nor wanted — in fact, it can be an excuse for not getting down to the tasks at hand. In my view, and in the view of many of the people who made submissions, the very existence of this Royal Commission can be the first step toward new approaches, new plans and a renewed existence for Ontario north of 50.

It is in that spirit which I begin this Report.

THE PLACE

Seen on a map, northern Ontario could be the profile of a man, head tilted back, looking up and east into Hudson Bay. His chin is delineated by the Moosonee and Albany rivers; the tip of his nose by Cape Henrietta Maria; his hairline by Fort Severn. West to the Manitoba border and south to the 50th parallel, the "head", in fact, is a sweep of 540,000 square kilometres — half the area of the entire Province of Ontario.

This is the land that lies south of Hudson Bay and west of James Bay. Spanning more than six degrees of latitude, its surface is marked by an abundance of water, a pleasing diversity of vegetation and a sparsity of people. Beneath it lies an array of mineral potential, some long-known, and others unidentified.

As in the rest of the province, the climate north of 50 is affected by the amount of sunlight it receives and by the air streams that rush across it. Within the area, the bleakest conditions are those of the Hudson Bay coast, where constant winds of high velocity prevail. It is a hard land, harsher even than other places with which it shares the 50th and more northern parallels. In July, the average mean temperature in Glasgow and on the south shore of the Hudson Bay (both of which lie approximately on the 55th parallel) is 12°C. In those days of high summer, however, at about the time the waters of Hudson and James Bays begin to warm, the weather has already passed its hottest peak and, on the land bordering the water, cooling has begun. The extent to which these bays cool northern Ontario is most evident in winter, when the average mean temperature on the shore of Hudson Bay has fallen to -25°C while it's a balmy plus 3°C in Glasgow.

By contrast, the southwestern corner of Ontario north of 50, which is frost-free longest, shares some of the climate of Canada's prairies. Generally, however, climatic patterns in this

part of the world run in diagonal belts from northwest to southeast, parallel to the coasts of Hudson and James Bays.

If parts of Ontario's north appear barren, in reality the region's geological formations are rich in variety and resources. The lakes and rivers, forests and rocky outcroppings, deposits of gravel, sand and silt cloak bedrock which is the result of two different periods of pre-human history. By far the older is the Precambrian Shield, named for that period between the first cooling of the earth's crust and the appearance of types of organic life far enough advanced to have left fossil evidence — the initial three billion years of the earth's geological history. (The Precambrian Shield is an ellipse reaching from the Atlantic on the east to the Arctic Sea on the far northwest, south and west into Michigan, Wisconsin and Minnesota.) Most of the Precambrian is a multi-colored, hard rock which varies in texture from granite-like coarseness to the fine graininess of basalt. As well, the area is marked with mineral-rich volcanic belts which have existed for nearly two-and-a-half billion years.

The glaciers of various ages marked the north as they advanced and retreated across it. Some 12,000 to 25,000 years ago, the region lay under the Laurentide ice sheet. As it advanced, the glacier scoured and scraped the earth's surface, clearing it of soil, eroding and etching the bedrock in its path. In its retreat, some 7,000 years ago, the Laurentide left behind a mixture of clay, sand, gravel and boulders in extensive sheets (known as "till") or as ridges ("moraines").

Other formations were left by glacial movement: long ridges ("eskers") of stratified pebbles and other materials were deposited in the meltwaters which flowed within and beneath the ice. The low-ridged kames and small deltas formed as meltwater poured sediments into lakes and depressions of land. The outwash planes laid down materials washed out from the front of a receding or stationary ice sheet.

Still other kinds of deposition took place as the Laurentide ice sheet retreated beyond Ontario north of 50. Two very large freshwater lakes, Agassiz and Barlow-Ojibway, were created by waters from the retreating ice. These lakes existed long enough to deposit and leave behind lacustrine (lake bed) sediments and shoreline features on the present-day landscape.

The ice sheet was so heavy that it depressed the surface of the land crust beneath and further depressed the area of the Hudson Bay Basin. As the ice began to retreat from Ontario north of 50 and its weight began to be removed, the land surface started to rise through a process called "crustal rebound". Following the departure of the ice sheet from the region, sea waters from what is now Hudson Bay invaded the still depressed, low-lying plains corresponding generally to the Paleozoic rocks of the Lowlands, and laid upon them extensive, unconsolidated marine (sea-bed) sediments. Later, as crustal rebound continued, the sea waters drained off, leaving behind these sediments and a series of

prominent beach ridges parallel to the present coast of Hudson Bay. For a time, the Sutton Hills were islands in Hudson Bay. As the land continued to rise, and the waters to recede, they became part of the mainland. Geologically speaking, the retreat of the ice sheet is so recent that the crustal rebound is still proceeding; new land continues to emerge gradually from Hudson Bay to this day.

With the gradual receding of the glaciers and their waters, vegetable and animal forms of life began to appear on the landscape. Beyond the stands of black spruce, there is the northern tundra: stunted vegetation -- grass and shrubs -- which seldom reaches more than a few centimetres because it stands, shallowly rooted, on moist, heavy soil layered over permafrost. Moreover, the extreme cold kills off new growth easily. Any vegetation in this part of the world has resisted a hostile environment and when it grows in spite of the ever-present cold, it grows slowly. A bit of grass or a small shrub may represent many seasons of life which is why a fire in the area, which can wipe out in seconds a one-centimetre trunk that took 150 years to grow, is an almost unspeakable devastation.

More than half the entire region comprises lakes, rivers and wetlands. The waters of the Shield area are complex, marked by waterfalls and rapids, while the Lowlands are veined with criss-crossing rivers that are long, straight and run in wide channels. Shallow lakes and water-saturated soil, with their effect on vegetation, show just how poorly developed Lowland drainage systems are.

In Ontario north of 50, water drains primarily in a northeastward pattern toward Hudson Bay and James Bay. Many of the largest rivers -- the Moosonee, Albany, Attawapiskat, Winisk and Severn -- flow directly toward the Bays. The Wabigoon-English-Winnipeg river system drains westward to Lake Winnipeg and ultimately to Hudson Bay through the Nelson River.

It is this fresh water which draws people and, over the span of history, determines where they will live and carry on their economic activities.

In addition to people, where there is edible vegetation, there are animals. Along with naturally-occurring fires, changing climatic conditions and human activities, they also alter the environment. The work of beavers, for example, has made changes to the drainage systems of the area.

In addition to beavers, the significant animal populations of the lowland's region include muskrat, fox (both red and Arctic), mink, marten, coastal caribou, black bears and, on the shores of Hudson Bay and James Bay, polar bears.

This is just an overview of the place known as Ontario north of 50. In other sections of my report, it will become clear that

environment in many ways sets the options open to the people of the north.

THE PEOPLE

The first people of the region probably arrived not long after the glacial retreat -- some 8,000 years ago. Climatic conditions, similar to today, would have permitted nomadic bands to hunt and fish; in fact, there was a short period, some 6,000 years ago, when temperatures were significantly higher than they are today.

The Ojibwa and Cree-speaking peoples (described as people of the Algonkian linguistic group) camped along the network of freshwater lakes and rivers which were a source of food as well as a mode of transportation making it possible to establish and maintain communications with others. Nomads who moved in small groups in response to the rhythm of the seasons, the availability of food and the human need for contact, were an advanced society. Its members, in the time of Christ, were making ceramic pottery, using precious metals and trading with each other over long distances.

Europeans did not come to the region until much later, in the early 17th Century, when they arrived on the eastern coast of what is now Hudson Bay. Henry Hudson was first in 1610-11, followed in 1631 by Luke Foxe of Hull and Thomas James of Bristol, who sailed from England within two days of each other. Their names and exploits are remembered today in the Foxe Channel, which lies in the Northwest Territories; in James Bay and in Cape Henrietta Maria, named after the ship James' fellow citizens outfitted for his use. It was James who, in 1632, complained bitterly of the torment caused by an *"infinite abundance of blood-thirsty Muskitoes"*; and it was he who sailed to Cape Henrietta Maria and there planted a cross bearing the Royal arms and those of his native city. Thomas James discovered and named what he called the "Severne" after the English river. Tradition holds that Samuel Taylor Coleridge, who lived for a time in Bristol, used James' *"strange and dangerous voyage"* as the inspiration for his Rime of the Ancient Mariner.

The Hudson's Bay Company (actually, "The Governor and Company of Adventurers of England Trading into Hudson's Bay") was incorporated on May 2, 1670, and given exclusive trading rights in that vast territory which drains into Hudson Bay -- in effect, all of what is now Ontario north of 50, excepting a small area that drains into the Great Lakes.

The Company quickly began fur trading, building posts at Moose Fort in 1673, Albany in 1675 and Severn in 1685. This was the period, of course, when France and England competed for control of all of eastern North America and each sent successive waves of explorers to claim the land. In the century after the Treaty of Paris in 1763, when France ceded its control of its North American possessions, all of Ontario north of 50 was part of

the area known as Rupert's Land and, as such, fell under the control of the Hudson's Bay Company.

The Company's influence over the region had already begun to dwindle in 1884, when the Canadian Pacific Railway -- Sir John A. Macdonald's grand ribbon of nationhood -- was completed across Ontario. Following the shore of Lake Superior to Fort William and then westward through Ignace and Kenora to Winnipeg, the route was initially nothing more or less than an act of faith, the Old Man's determination to ensure an all-Canadian line, in defiance of a geography which dictated that it should dip into American territory.

The significance of the railway route was upheld when Prime Minister Bennett, during the depression, initiated highway projects which became the Trans-Canada Highway through the rough terrain of northern Ontario. This was not the case with Prime Minister Mackenzie King when it came to constructing the Inter-Provincial Pipe Line from Edmonton that was to leave Canada in Manitoba and cross American states to reappear at Sarnia -- giving Superior, Wisconsin, instead of Thunder Bay, the refinery.

Northern Ontario would have suffered the same fate with respect to the Trans-Canada Gas Pipeline, except for Premier Leslie Frost who, with the urging of a small group of businessmen from northwestern Ontario, challenged Ottawa, and assured the pipeline would be built across all of Ontario by committing Ontario finances to make it a fact.

At the beginning of this century, Ontario had a population of more than two million people, most of whom lived on small farms or in towns and villages in the south. The north was as distant and mysterious as the far side of the moon. From time to time, members of the Geological Survey of Canada had explored the area between the CPR line and James Bay but were still convinced that the Precambrian rock offered little of value (though deposits of copper/nickel ore had been discovered at Sudbury when the railway was being built). There were pioneering farm families immediately south of 50 in the Haileybury/New Liskeard area who were pressing the provincial Government for a road or railway to take their goods to market. In 1900, the Ontario Government sent 10 survey parties into the region from the Quebec border to Lake Nipigon. The findings of these groups of land surveyors, geologists and soil experts were unexpectedly dramatic: there were nearly 6 1/2-million hectares of arable land in the so-called Clay Belt, extending from Lake Timiskaming nearly as far west as Lake Nipigon itself. In addition, they reported, there was an *"almost unlimited quantity of the best spruce for the manufacture of pulp and paper"*.

The province moved quickly to provide rail transit for the immigrants it hoped to persuade to settle in Ontario's north, rather than in Canada's west. And it was in that process, at a point 166 kilometres from North Bay, that railway workers discovered silver in 1903 at what is now known as Cobalt. And

what silver: readily accessible, its veins close to the surface and so richly present in some places little money was needed for development. By the end of 1950, a quarter-billion dollars of the metal had been taken out of Cobalt -- a staggering amount considering that in those 47 years the price of a troy ounce of silver on world markets never exceeded \$1.01 U.S. -- and, at times, dipped below 25 cents.

In the year of the Cobalt silver strike, the Government of Canada began planning a railway which would take a more northerly route than the CPR and, in 1914, the National Transcontinental Railway (later the Canadian National) was completed. Its opening gave us a continuous rail line generally near the 50th parallel -- the beginnings of overland east-west transportation and the reason for the establishment of many of the north's communities.

In the years following, the economic history of the north is the history of the mining industry -- and that, it seems in retrospect, was colored with some legendary figures who enjoyed extraordinary luck: Harry Preston who, in 1909, slipped on a steep hillside and discovered a ledge seven metres wide which led to a dome literally studded with gold -- which became the Dome mine; or Benny Hollinger who flipped a coin with another man to decide how their claims should be divided. Hollinger won the toss and selected six claims near a small lake -- claims which were the beginning of the famous Hollinger mines. Or Sandy McIntyre and his partner, who staked four claims east of Benny Hollinger's, and found in the earth the riches that made McIntyre Porcupine -- one of the great gold mines of history.

But there was another growing industry as well: lumbering. In the last third of the 19th century, the forest industry was devoted to producing ties and tressle timber for the railways and lumber to build housing for the fast-growing new country. By 1900, however, the focus shifted from white pine to spruce -- in part because the stands of pine had been decimated and in part because of the growing needs of the pulp-and-paper industry.

Lumbering of any sort was encouraged by government, which saw woodcutting as both profitable in itself and useful as a way of opening up new farmlands in the northern clay belts: forests would be cut down for farmland, farmers would feed foresters. That this scheme did not work out -- because of climate and soil conditions -- is simply another example of what happens when people living in the south make assumptions about living in the north.

Until World War II, lumbering was seasonal. In September, roads to the forest stands were cut and camps set up for the lumberjacks who worked only with saws and axes. With the coming of winter, the logs, delicately balanced on horsedrawn sleighs, were driven over ice roads to the nearest river where, with the spring thaw, the logs were floated to sawmills downstream in the spring where they were cut into railway ties, square timber, boards and planks.

The Canadian Pacific Railway, which played so important a role in other areas, also affected lumbering operations. In the early years, American lumber interests treated the forests in northern Ontario as extensions of their own stands and cut accordingly. With the construction of the CPR the federal Government required enormous quantities of wood. The result was twofold: a new awareness of trees previously overlooked -- tamarack, spruce, cedar -- and a new method of transporting lumber to market: the railway itself. In 1898, the provincial Government passed legislation prohibiting the export of logs cut on Crown lands and, though American-owned mills continued to supply the U.S. market with Ontario's wood, this was as sawn lumber, not as logs.

By the end of the 1800's, its own stands of pulpwoods almost gone, the U.S. began to turn north for the raw materials needed to meet its increased demand for newsprint. As a result, by the mid-1920s, northern Ontario had virtually switched its forest industry from lumber to the larger, more complex needs in the manufacture of pulp-and-paper. The pulp-and-paper sector shared all of industry's economic shock in the Depression; but it was on the road to recovery by the late 1930's and, during the Second World War, had become so vital yet short of labor that German prisoners were used in the bush.

With our more efficient post-war technology, lumbering operations today are of a size undreamed of four decades ago. Gone is the time when it was possible to find readily-accessible stands of trees which reached 60 metres into the air and were nearly two metres in diameter at their base. Once "hewers of wood", we have had to become haulers of wood -- sometimes as much as 300 kilometres from stand to mill -- a measure of the extent to which the forests have been depleted. This is a subject to which the report will return in Chapter 5. It is a matter no less urgent simply because the proposal which led to the formation of this Commission -- the decision to allocate cutting rights over an enormous area of northern Ontario to a paper-manufacturing company -- is no longer on the table.

The early years of the north were memorable politically as well as economically. In 1867, the British North American Act (now the Constitution Act, 1982) confirmed that the watershed of the Great Lakes would be part of the new Province of Ontario. Three years later, the Dominion acquired Rupert's Land from the Hudson's Bay Company, though it was unclear whether the area was under federal or provincial jurisdiction. Even then, it was obvious that there was a great deal at stake. Battles between Toronto and Ottawa heated up during the two Macdonald Governments and cooled down in the period between them, when Liberals controlled both the federal and provincial Parliaments. (In the ensuing turmoil, the citizens of Rat Portage -- more pleasantly known today as Kenora -- voted in the 1883 provincial elections in both Manitoba and Ontario.)

But the quarrel, which hampered the possibility of development, was far from insignificant and, in 1884, was referred to the Privy Council of Great Britain, then Canada's ultimate court of appeal. The Council ruled in favor of Ontario's claim to all lands north of the Albany river, east to Quebec and west to the Lake of the Woods — a decision which became the basis of the Canada (Ontario Boundary) Act of 1889. The final thrust, to encompass most of what now lies north of 50, did not occur until 1912 when the federal Government of Sir Robert Borden transferred the Patricia area from the District of Keewatin to the Province of Ontario.

In the early 19th century, European and native societies lived harmoniously in northern Ontario but, even then, change was already on the horizon. In 1850, the Province of Canada (composed of what was known as Canada East, now Quebec, and Canada West, now Ontario) assigned Provincial Commissioner Robinson to extinguish Indian title in the Lake Superior and Lake Huron area, and his treaties (Robinson-Superior and Robinson-Huron), peacefully signed, set up the principle of open meetings, reserve lands and annuities that was to set the substance of later agreements.

With the coming of Confederation, the federal Parliament was given legislative power over Indians and the lands reserved to them. Though these reserves had resulted from treaties signed by both the federal and provincial Governments with bands throughout northern Ontario, the Constitution Act gave responsibility to the federal Government only. Within these islands of federal jurisdiction, Indian bands have "beneficial ownership" of both the surface and sub-surface of the land, including minerals.

Off the reserve lands, Indians continue, according to evidence they submitted to the Commission, to harvest resources for both subsistence and economic purposes. According to Treaties #3, 5, and 9 — covering all of Ontario north of 50 — the right to fish, hunt and trap on Crown lands by Indians living on reserves was confirmed, even if otherwise in breach of provincial law, providing it is for "sustenance purposes" (i.e., in order to maintain them). Those rights have been entrenched in the Constitution Act of 1982 and, thus, are part of the supreme law of Canada.

THE ROYAL COMMISSION

If anyone doubts a single person can make a difference, even in our complex 20th century society, the existence of this Commission should be reassuring. Its initial existence is owed to the ongoing concerns expressed by Andrew Rickard, then Grand Chief of Grand Council Treaty #9, about resource development north of 50. In September, 1976, Chief Rickard approached the provincial Government urging an inquiry to explore the subject, focusing on a proposal by Reed Paper Ltd. to log 30,400 square kilometres of bushland north of Red Lake — the largest uncut stand in all Ontario — to supply a planned forest products complex in the Red Lake/Ear Falls area. Reed was, at the same time, owner of the

Dryden Paper Mill, the operations of which were implicated in mercury pollution of the Wabigoon/English/Winnipeg River system downstream of the mill site and which had resulted in the collapse of the Indian economy dependent on that system.

The following month, Reed and the province's Ministry of Natural Resources signed a Memorandum of Understanding under which a feasibility study would be commissioned. At the same time, the Ministry committed itself to a complete forest inventory. It soon became clear, however, that such an agreement fell short of public expectations. People were especially worried that Reed would get its timber licence without any prior consideration of the social, economic and environmental consequences of the project.

It was now November, 1976. Ontario Premier William Davis, recognizing the widespread concern about what had come to be known as the "Reed Tract", proposed a Commission of Inquiry be formed, with Mr. Justice E.P. Hartt of the Supreme Court of Ontario at its head, to examine the allocation and management of resources in the Tract.

By the time the Commission was formally established in July of 1977, it was clear that the issues of the north are inextricably interwoven together. It simply made no sense to expect that the Reed Tract could be considered in isolation from all other aspects of northern resource development. As a result, the mandate of the Commission was expanded to a full-scale investigation of all aspects of resource development north of the 50 parallel.

As a result, the Cabinet Order-in-Council 1900/77, establishing the Commission pursuant to the Public Inquiries Act, (See Appendix) directed it to:

- 1) *inquire into any beneficial and adverse effects on the environment . . . for the people of Ontario of any . . . major enterprise north or generally of the 50th parallel ...;*
- 2) *inquire into methods that should be used in the future to assess, evaluate and make decisions concerning the effect on the environment of such enterprises;*
- 3) *investigate the feasibility and desirability of alternative undertakings ... for the benefit of the environment.*

In keeping with the Government's desire to give the broadest possible scope to the inquiry, the Order-in-Council gave wide latitude to its definition of the elements that comprise the environment and included not just the natural surround but also the social, economic and cultural conditions which influence the lives of people and of their communities.

The Public Inquiries Act, under which the Commission was established, specifies that the procedures to be followed and the conduct of the inquiry are under the control and direction of the Commission.

Mr. Justice Hartt's first order of business, then, was to shape the Commission's focus and the initial step was a process of public consultation -- 14 hearings in the north and one in Toronto -- between November, 1977, and February, 1978.

The key questions for the public in the preliminary phase were: what issues should this Commission address? how should it conduct its explorations of those issues? how should it operate to ensure the widest possible participation in its deliberations? The results of the 15 hearings clarified, beyond a doubt, the need for such an inquiry and the genuine interest in it. More than 450 submissions, many of which represented long hours of thought and preparation, were received, especially from the people of the north.

On April 4, 1978, Mr. Justice Hartt issued his Interim Report and Recommendations (See Appendix). Its purpose, he said, was to *"highlight certain more fundamental issues and special concerns which must be understood and acted upon by Government"*. He also indicated future directions for the Commission and included specific recommendations such as a review and assessment of the West Patricia land use planning process and input into the environmental assessment process of a proposed lignite strip-mining project at Onakawana. Premier William Davis, in a statement to the Legislature on May 19, 1978, responded to the Interim Report and Recommendations, supporting the concept that northern residents be more directly involved in the decision-making processes of Government.

Later that year, Mr. Justice Hartt left the chairmanship of the Commission to take up the post of Commissioner of the Indian Commission of Ontario, the establishment of which he had recommended in his interim report.

Late in 1978, the Commission published The Issues Report, the final document prepared under Mr. Justice Hartt's direction. It is a compendium of the issues, opinions and viewpoints of the participants in the preliminary hearings and its purpose, Mr. Justice Hartt explained, was *"to give the people of Ontario the chance to hear, and to begin to understand, the problems of the north, as seen by the people of the north"*.

On August 2, 1978, the Ontario Cabinet appointed me to succeed Mr. Justice Hartt as Commissioner of the Royal Commission on the Northern Environment.

I have excluded the contamination of the Wabigoon/English/Winnipeg water system from my considerations since it seemed likely that it could better be resolved by the newly-established Indian Commission of Ontario.

I immediately turned my attention to the major areas outlined in Justice Hartt's Interim report:

- 1) to examine the human and environmental consequences of economic change and the use of resources north of 50;
- 2) to investigate the process by which decisions on these matters are made;
- 3) to assist the people of the north to decide the kind of future they want for the land on which they live, seeking especially to find ways of improving the disadvantaged situation of native peoples;
- 4) to recommend to the Government of Ontario how those issues should be resolved.

To clarify the focus of the Commission, I laid out the two major principles to which I was committed: that northerners should be involved in decisions affecting them and that northern development should only be permitted if it is carefully controlled. Economic growth should and must take place but can do so only if it benefits the people of the north and does not have adverse social or environmental consequences.

In other words, as a northerner for all of my adult life, I was convinced it was possible to permit use of the north's natural resources without creating havoc in its fragile ecosystems. Moreover, it was both economically and socially sound to ensure that a first priority for such controlled development is that it benefit the people of the north — that it ensures them a decent living standard, modern educational and health system, appropriate transportation and communications, and cultural protection. I emphasize that these two principles cannot be viewed separately. It would be a mockery, for example, to suggest that economic and social development are possible without stringent environmental controls or that environmental protection automatically means the end of any kind of development.

In order to take the Commission to the people of the north, I established my head office on January 2, 1979, in Thunder Bay, retaining the administrative office in Toronto as well as the Timmins regional office opened in September, 1977.

With the commencement of my research program and as a result of extensive travelling and consultation in the north, I presented my further objectives to:

- 1) identify, as far as possible, the economic prospects for the north in the "conventional" sectors (e.g., mining, forest industries, tourism).

- 2) identify ways of strengthening and diversifying the economic base of northern communities, both through the "conventional" sectors and through complementary and alternative activities.
- 3) examine the probable implications of human activities for the natural environment of the north and the adequacy of current governmental programs to protect it.
- 4) assist the people of the north to develop realistic social, economic and (natural) environmental goals for the north as guides to public policy.
- 5) recommend necessary changes in the legislation, administrative structures and processes whereby government decisions about economic and social development and protection of the natural environment in the north are made, considering their appropriateness, effectiveness, coordination, clarity, and responsiveness.

The Commission's research involved both internal technical studies and the work of universities, outside academics and native groups. Major internal studies undertaken during my inquiry have resulted in two published reports which looked at the present environmental assessment process, as it related, in one case, to the proposed Onakawana lignite development project and, in the other, to the access road to the Detour Lake mine site. Major external studies included:

- 1) The Economic Future of the Forest Products Industry in Northern Ontario, by Lakehead University.
- 2) The Future of Mineral Development in the Province of Ontario North of 50° North, by Laurentian University.
- 3) Tourism Development in Ontario North of 50°, by W.M. Baker.
- 4) Producing and Providing: The Story of Kiashe River Native Development Inc., by John H. Blair.

The Commission's research resulted in a series of publications that are valuable additions to the field of northern study. (See Appendix) To be sure, a great deal more research remains to be done but the Commission has established a carefully reasoned and scholarly base for future works.

As part of the Commission's work in developing a comprehensive picture of the north's economy, we signed a cooperative research agreement with the Kayahna Area Tribal Council. The Council undertook to examine changes in the social, cultural and economic life of the people who live in the remote native communities of the Kayahna tribal area of northwestern Ontario. In turn, the Commission undertook a thorough review of the economic base of selected communities in the general area of Sioux Lookout.

A similar joint effort between the Fort Hope Band and the Commission studied the social, economic and environmental effects of the proposed Ogoki road in the Fort Hope area. This particular project required and received the total dedicated participation of the entire Fort Hope Community and we believe it stands as a potential model for northern community-based decision-making.

The Kayahna Area Tribal Council also entered into a major contract with the Commission under our public funding program to undertake a land use and occupancy study for the Kayhana area.

Unhappily, not all studies were similarly fruitful. Contracts were undertaken with other Tribal Councils of the Treaty #9 region and with the Grand Council Treaty #9 itself but were terminated before completion because of circumstances beyond the control of the Commission.

My public funding program was a primary focus for the Commission's activities to help groups and individuals undertake research, and prepare and present submissions or reports on matters directly relevant to the Commission's mandate and objectives. (See Appendix)

As the inquiry progressed, the Commission was able to analyse the public's sense of the relative priority of issues. This analysis enabled me to focus on two major directions for the inquiry:

- 1) to establish mechanisms which could ensure that northerners would have a strong say in determining how development of the north should proceed; and
- 2) to discover a method to help control northern development and to work in concert with and not at the expense of the environment.

I presented these in a document entitled Future Directions, confident that by inviting participation by all northerners, by involving the native people in the research, and by presenting realistic goals and objectives, a greater understanding of our environment and its peoples would ensue.

The entire public participation program was designed as a two-way street: the Commission informing interested persons and groups about its findings and the public informing the Commission of its opinions and positions on the issues under study. We were involved in a number of useful avenues of public communication: a newsletter, widespread dissemination of our reports and consultants' papers. We held public meetings and information sessions, encouraged direct contact between general public and the Commission; and invited informal submissions — all with the twin goals of keeping the public apprised of our work and of keeping ourselves aware of public attitudes and expectations.

This was not by any means a hollow public relations gesture. As the Commission progressed, we gained an increasingly sensitive awareness of the public's ranking of the issues that had been raised in the early set of hearings and in my visits to northern communities. Of the principles already established, there were three of special importance to our various publics and all, I believe, are strongly reflected in this report: first, any process of decision-making must guarantee northerners a strong voice in determining future development; second, new development must not eliminate any activities engaged in by others without resolving conflicts; third, a method of controlling development must be put in place to ensure development does not occur at the expense of the environment.

I reiterate these points, both because of their importance and because they provide the foundation on which the Commission came to stand. Our research and publications initiatives are intended to create a common body of knowledge on which future decisions can be soundly based; our attempts at reaching out to all people who might be interested in or affected by our deliberations was, aside from its intrinsic value, meant to show what is possible when people are encouraged to speak on matters vital to them now and in the future.

This last phase, in which the Commission examined the allocation, use and management of resources was, of course, based on the previously mentioned principles of local decision making and minimal environmental damage. Its specific focus -- public involvement programs, and internal/external research activities -- culminated in 36 days of public hearings at 19 locations, commencing November 22, 1982, with 211 written submissions received and 254 presentations made. (See Appendix)

I felt that the purpose of hearings was to let me hear the views, experiences and opinions of residents of the north, other interested persons and the major enterprises and government agencies active there. Hearing procedures should be, I concluded, as simple as possible.

While there were obviously, given the breadth of my terms of reference, many issues on which differing views existed, there were no specific major undertakings or resource developments then planned for the north. There was no single project - like a pipeline or paper mill - the merits of which could be addressed in my hearings, with relevant evidence, pro and con, tested by cross-examination.

I called as a result for informal hearings without provision for cross-examination, believing that formal, adversarial hearings were neither needed nor appropriate in the circumstances.

The procedures that I circulated long before my hearings began clearly spelled out their informal nature. I received no advance comment or criticism of them.

At one of my first hearings, however, Grand Council Treaty #9 asked me to recognize it as a party with a direct and substantial interest in the inquiry. Such parties are guaranteed rights of cross-examination by the Public Inquiries Act.

I was concerned that cross-examination would add formality and an adversarial atmosphere to my hearings which would discourage participation by northerners and other interested parties. Given the scope of my terms of reference, it was difficult to imagine anyone living in the north who was not substantially and directly affected by at least one of the many subjects the Commission had been called upon to inquire into.

In accordance with the Public Inquiries Act, this honest difference was submitted to the Divisional Court of the Supreme Court of Ontario for determination. That court ruled that Grand Council Treaty #9 and the Red Lake District Chamber of Commerce were parties with a direct and substantial interest in the inquiry and must therefore be given the opportunity to cross-examine persons testifying before me.

As a result, I revised my hearing procedures and held formal hearings in Thunder Bay and Toronto. Grand Council Treaty #9 did not attend.

It is a matter of personal and lasting regret that the Grand Council Treaty #9 chose not to participate in the formal hearings it had initially urged and, thus, it deprived the Commission of a potentially rich source of ideas and suggestions. This outcome was particularly ironic in view of the Council's role in the formation of this Commission. Nonetheless, I believe the many submissions of natives, individually and as groups, comprise an enormously valuable contribution and makes the Commission's work worthy of consideration.

The Minister of Natural Resources, the Ministry of the Environment and the Great Lakes Paper Co. Ltd. presented themselves before the Commission for cross-examination by the following groups, which sought and were granted formal standing: the Red Lake District Chamber of Commerce; the Sioux Lookout Trappers Council; the Northern Ontario Tourist Outfitters Association; the Summer Beaver Settlement; the Deer Lake Band and the Kayahna Tribal Area Council. These hearings became a valuable element in the Commission's work, a fact reflected in this report.

Finally, as the person responsible for every one of the recommendations that follow, I believe it is appropriate to give readers of this report as fair and objective an assessment as possible of the attitudes and understanding I brought with me when I accepted the post of Commissioner. I would not betray the lessons I've learned in 50 years in the north by pretending that I have a totally "unbiased" view of my part of the world — because no intelligent person can remain untouched by experience and

because claims to being "unbiased" are naive or untruthful, or both.

But there is a considerable difference between having a viewpoint and having a closed mind. Moreover, in clarifying my point of view here, at the beginning of this report, I hope to make clear that what follows is not a random selection of purported cure-it-all for the ills to which the north is prone. After all, if we northerners live with anything, it is with reality and we know too well that if it sounds too good to be true, it usually is. At the same time, I reject the pessimists who believe nothing is worth beginning because it is too complicated or takes too long to accomplish.

Without apology, I see the north as different from the rest of this province. Northerners live in a setting in which they must do the adapting in order to survive. There is a resulting acceptance -- a calm, if you will -- from learning to live in harmony with elements that cannot be controlled to any appreciable degree.

I see the north as a place in which, centuries ago, people of a highly advanced culture lived simply and harmoniously with the elements. When immigrants arrived -- my family from Sweden, many from all parts of Europe -- we brought little of benefit to the native people already living here as we shall see later on in this report.

At present, there are problems -- and unique opportunities -- because of the interplay between cultures in the north. Native families have intrinsic strengths which need to be better understood. In a world where parents no longer provide role models for their offspring, for example, the native passes on the hunting and fishing skills honed by his ancestors over several thousand years. This is intrinsic to a culture which views nature as belonging to a Great Spirit and requires the Indian family to protect it for future generations.

Clearly, we can find avenues in which all cultures are equally respected and all can preserve what is essential to their understanding of the world around them. While we do not share all our values and often cannot communicate with each other because of language barriers, it is also true that many aspects of northern life can be shared: our northern attitudes to climate; our isolation; our anxiety about plans made for, rather than with, us; our desire to make a good life for ourselves and an even better one for our children.

Now, we turn our attention to the future -- the only "place", after all, over which we still have absolute control. It is my firm belief that when one of us is better off, we are all better off. I hope that careful consideration of the report and its recommendations will result in a future characterized by new attitudes, new ways of treating people and improved planning in the north. These will leave all of us -- north and south --

better for it. If it should have that effect, then it can be said of all those who worked for and with the Royal Commission on the Northern Environment that we were worthy of the task entrusted to us.





Hearings
Red Lake

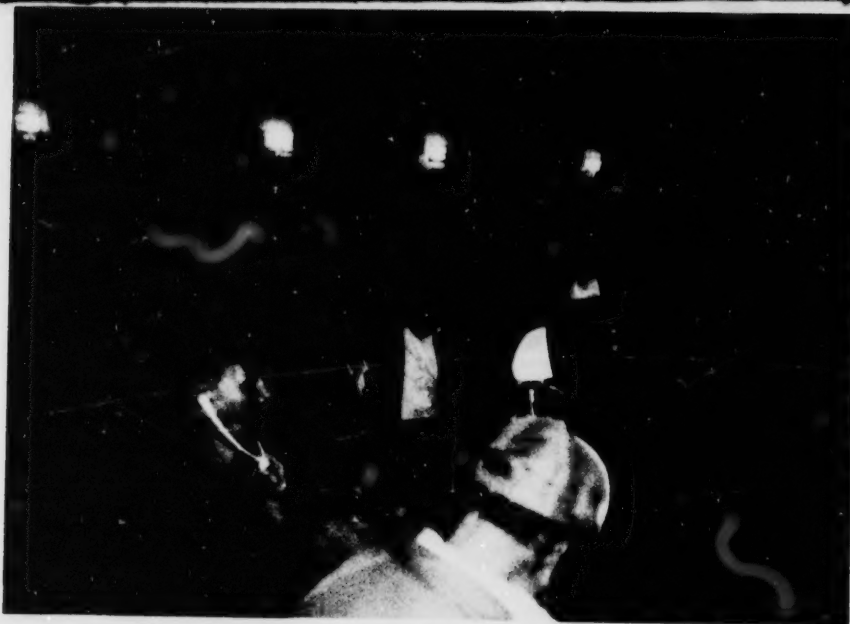
Red Lake District Chamber
of Commerce
D. Meadows, Pat Sayeau
Darcy Halligan



Red Lake Public School
Students



Chief Douglas Meekis
Deer Lake Band



Fort Hope
Hearings -
Instant
Translation



Fort Hope
Hearings -
Chief Harvey Yesno
explaining the
Drum



Fort Hope
Hearings -
Residents
discussing their
experiences and
lifeways

CHAPTER 2

THE NEED FOR INSTITUTIONAL CHANGE

The north serves and is dominated by Ontario's more populated industrial south. This reality underlies the environmental degradation and social malaise that has characterized the exploitation of northern natural resources. Because the bulk of development benefits have flowed south, the north and the people living there have been left to cope with the long term consequences of resource development. That burden has often been greater than any benefits derived from short-term employment or business opportunity. The north has not shared equitably in the profits that have flowed from the exploitation of its natural resources.

The greatest impacts of resource development are clearly experienced by those who live near the resource. Resource extraction, whether it is the cutting of trees or the mining of minerals, can drastically change the physical landscape. It can also cause profound economic and social change which can be devastating for adjacent communities. Resource development can also bring jobs and business opportunities that greatly increase the standard of living for northerners.

Similar statements were repeatedly made in many of the submissions I received. In my hearings, I heard time and time again that development in the north has rarely been designed to meet the long-term needs of northern communities. I heard, too, that developers often prefer to import labor and goods, rather than make use of what is or could be available locally.

What thought has been given to northern needs when resources are developed? Rarely have comprehensive remedial and mitigative measures been designed and implemented before the development commences. Nor in the past, has there been any real effort to determine how best development could be structured so that benefits for local communities, businesses and residents would emerge as a consequence of resource exploitation.

I have concluded that we must attempt to ensure a more equitable sharing among all Ontarians of the benefits derived from resource use. We must approach development collectively and creatively, without the polarization of positions that seems to have become a common feature of debate over resource proposals. To do this, we must ensure that those who may be directly affected by development have a real say in how it should occur and a real return if it does occur. When people believe they will have a share or be partners in development, and that interest will not be manipulated by others or taken away arbitrarily, I believe they will be favorably inclined to support it.

That is not the case now. Many northerners, and particularly native people, look on development proposals with suspicion, fear and cynicism. They have seen the benefits of earlier developments bypass them completely. They have suffered from a legacy of

social and environmental damage. They have lost, as a result, a large measure of self-respect and dignity as human beings. This can, I think, be changed, but only through the effective involvement of northerners in designing resource projects and experiencing projects from which they receive real benefits not only through the project's life.

In other words, beneath the many conflicts over resource development lies a wide-spread belief amongst northerners that they have precious little influence over the course of development. That belief is well-founded. What is more, there are no government agencies with power to shape northern development which are immune from the political and economic centres of power of Bay Street and Queen's Park. It is important we recognize these realities. We must design approaches and mechanisms which will ensure that the power of the majority in the province does not deny reasonable standards of opportunity and living for the minority of Ontarians who live in the north. It is wrong that the north and its residents are neglected when the exploitation of northern resources feeds the mouths and machines of populations elsewhere. It is morally and logically wrong since northerners are the custodians for all Ontario of a vast storehouse of water, clean air, wood and minerals on which the future of the province depends.

The welfare of future generations lies in our ability to ensure the northern environment is wisely used. Who could better aid in achieving this than northerners?

My recommendations in this report, given the broad sweep of my terms of reference, touch many aspects of resource development and the northern environment. But the key to implementation of the changes I find to be necessary are counter-balancing institutional and regulatory mechanisms.

I have considered a wide range of regulatory approaches. Already we have in place environmental legislation — and in particular, the Environmental Assessment Act — which can, in part, help design development so that adverse consequences are reduced. But no law, regulation or institution currently in place has the capacity to shape development so that the benefits for affected communities and people — for example, in terms of jobs and business opportunities — become part of the development scheme.

Indeed, I doubt whether one could achieve such objectives in a speedy and creative way through the imposition of rules, obligations and penalties by legislation. Each development project — every area of land involved — is different; so, too, are nearby residents and their communities and the existing infrastructure of roads and railway lines. Designing how best a project can benefit the north must, of necessity, be project-specific.

Ontario's situation is not, however, unique. The Commission reviewed approaches elsewhere which show an increasing reliance

on the use of special made-to-measure contracts dealing with a resource use and its economic, social and environmental impacts. I have concluded that resource-use contracts are the best way to deal with resource developments in the north and related potential conflicts. But, a related mechanism is needed to design and negotiate resource-use agreements.

I have decided that a new institutional mechanism is needed for this purpose. In doing so, I reviewed whether or not the role involved could be played by existing ministries and agencies of the Government, or through the establishment of a special ministry for the north, which might be called the Ministry of Northern Affairs and Development. I looked, for example, at the experience of the Ministry of Northern Affairs, which I believe has significant accomplishments to its record. It has, I believe, successfully met its objectives in ensuring that northerners and northern communities get a fairer share from existing Government programs. (Further specific recommendations concerning the Ministry are found in Chapter 9.) But the Ministry, in terms of influence, is but one Minister in a Cabinet which owes its political life to the votes of all Ontarians — most of whom reside in the south of the province. A single ministry can provide a northern perspective but it is all too easily overridden by practical political realities. There is, as well, the tendency for all Government ministries to take on expanded functions and thus bear responsibility for a wide and distracting range of Government programs, some of which will doubtlessly operate outside of the north of the province.

A major influence on my decision is the reality that no one ministry has been able to achieve a relationship of trust with the Indians who reside in the north of the province. They are the majority there. Their trust and involvement in resource development is essential to their survival and to ensuring they too get a fair return from resource exploitation in their homelands.

I have also considered a number of submissions made to me which called for changes in the way in which the north is represented in Ontario's Legislature. Increased legislative representation might increase the northern population's capacity to strike a fairer deal. Such changes might contemplate differences in the ratios of population to elected representatives between the north and the south, or possibly, the consideration of restricting certain seats to Indians. I make no recommendations in this regard since the manner in which we elect our political representatives and our existing system of proportionate representation are beyond my terms of reference.

My conclusion is that a special independent agency of government should be established, free of the need for political compromise and aware of the particular needs of the north. Its primary role should be to design and negotiate resource-use agreements with developers and to involve affected northerners in that process. I have called this agency the Northern Development Authority.

2.1 Recommendation:

That a Northern Development Authority be established by special legislation as an independent agency, reporting to the Legislature, through the Minister of Northern Affairs.

2.2 Recommendation:

That the Northern Development Authority be empowered to negotiate resource-use agreements with developers proposing to develop northern resources.

2.3 Recommendation:

That resource-use agreements be preconditions to proposed resource developments considered to be significant by the Northern Development Authority.

In designing resource-use agreements with developers, I do not believe that the Northern Development Authority should be restricted in any way in the content and nature of the terms and conditions in resource-use agreements it negotiates. Its enabling legislation could, however, indicate the matters which might be included in a resource-use agreement.

These matters could relate to such subjects as: the employment of local residents; business opportunities for local enterprises; training and other programs of assistance enabling local residents to take advantage of employment and business opportunities; measures to mitigate potential environmental consequences; provision of multi-purpose facilities (e.g., roads, housing, water supply and sewage systems); and remedial measures for dealing with termination of the contemplated resource use.

Implementation of these recommendations would establish the Northern Development Authority, particularly in the eyes of resource developers, as judge and jury on whether or not a proposed development project goes ahead. I recognize, therefore, that there should be ministerial control over the Authority's perceived power to impose resource-use agreements.

2.4 Recommendation:

That if the Northern Development Authority and a developer cannot agree on the terms and conditions of a resource use agreement, then the parties may request the Minister of Northern Affairs to resolve such conflicts in whatever manner the Minister may deem appropriate.

I believe that the Minister of Northern Affairs in such circumstances should have the capacity to impose terms in order to overcome differences which may have arisen between the developer and the Northern Development Authority. Alternatively, the Minister may wish to have such differences independently arbitrated. He should have that option.

Who should be appointed to serve on the Northern Development Authority? How should these people be appointed? As I have already indicated, the Authority should bring a northern perspective to its tasks. Moreover, it should (if this is ever possible) be freed of domination by partisan politics. These concerns have shaped the following recommendation.

2.5 Recommendation:

That the Northern Development Authority be administered by three directors, to be named by the Cabinet with the consent of the Legislature, for seven-year terms; that one of the directors be selected from a list of candidates proposed by municipalities and towns north of 50; that one director be selected from a list of candidates proposed by Indian communities in the north; and that one director, who must be a resident of Ontario near or north of 50, be selected by Cabinet; that one director be appointed as initial managing director of the Authority for a two-year term; and that subsequently, the three directors be empowered to decide amongst themselves who should subsequently serve as managing director for a similar term.

Given its principal function of negotiating resource-use agreements, the Authority will, of necessity, require certain other powers.

2.6 Recommendation:

That the Northern Development Authority be empowered to monitor compliance with resource-use agreements and have the legal capacity to enforce such agreements.

It would be useful, in my view, for the Northern Development Authority to play other related roles. Once, for example, a resource-use agreement has been negotiated, it would be beneficial for the rapid implementation of the proposed development for the Authority to serve as the single stop or window through which the developer could obtain all necessary regulatory approvals and licences required for the project. I heard evidence of the delays and consequent unnecessary expense experienced by developers because of the lack of coordination between the many government agencies whose review and consent is required for various aspects of a northern resource development. If the Northern Development Authority were given the capacity to serve as the single regulatory stop, I would expect that it would soon be able to make recommendations to the Legislature on how best the various regulatory processes might be harmonized.

It is possible, indeed probable, that resource use agreements might contain conditions calling for the employment of northerners and the involvement of local enterprises. As a result, it is likely that the Northern Development Authority, if created, would become aware of the need for particular occupational and business training programs, no doubt in consultation with agencies of government already so involved.

It could also find itself serving as a central information source for the many provincial and federal government economic development and social programs, grants and other support mechanisms which may well be available for certain resource development projects. I have found that there is a need for such a clearing house and believe that the Authority should have the capacity to advise the Minister of Northern Affairs on how best a clearing house could function. I deal with this matter further in Chapter 9 of this report.

In addition, the Authority's role in determining the benefits from proposed developments which can be derived for northern residents and communities, will inevitably bring it into contact with whatever planning exercises may then be under way. As I shall be indicating later in this report, I believe there is a role for planning at all levels, and particularly at the community level. Land use planning, if carried out in full recognition of existing uses of resources, particularly those made by the Indian people of the north of Ontario, is important and probably crucial for orderly development. The Northern Development Authority's experience will, I believe, be useful in determining planning needs at the community and regional levels. Accordingly, the Authority should have the capacity to make recommendations to Government on planning matters.

If environmental assessments are, as I recommend in Chapter 3, required for all significant proposed resource development undertakings, such assessments may occur in tandem with the negotiation of a resource use agreement. If an agreement is negotiated to conclusion before the the environmental assessment process is complete, it could well be useful for the Northern Development Authority to act as a co-proponent for purposes of environmental assessment. I believe that the involvement of the Authority as a co-proponent could expedite environmental assessment and, as well, assist the Northern Development Authority in the design of terms and conditions for resource-use agreements.

2.7 Recommendation:

That the Northern Development Authority be empowered and funded to permit it to carry out activities and implement programs which are of direct and immediate value to its principal function of determining the appropriate content of resource use agreements, as well as negotiating, implementing, monitoring and enforcing such agreements; that among such activities be the coordination of all related regulatory approvals, the design and implementation of occupational and business training programs, the operation of an information centre on government economic development programs, and the acting as co-proponent of undertakings north of 50 for purposes of assessment under the Environmental Assessment Act.

The resource use agreements I have recommended are not dissimilar to the existing forest management agreements between

forest product companies and the Ministry of Natural Resources. I discuss these in detail in Chapter 5. Forest management agreements deal with how the forest resource is used and regenerated. I believe these agreements are a positive contribution to the betterment of the northern environment. Such agreements are also seen by the Ministry of Natural Resources as mechanisms through which conflicts between forest products companies and other resource users are resolved.

Forest management agreements designate the areas in which resource exploitation is either prohibited entirely or subject to strict control. In other words, areas are created in which the priority is the maintenance of the natural environment, and not the removal of either renewable or non-renewable resources. This approach has prompted me to make a number of recommendations in this report which call upon the Government to designate, for example, forest protection areas and tourism management areas, in which the dominant use precludes intensive exploitation involving the cutting of wood or other uses harmful to the natural environment.

I have also learned that contracts are being used elsewhere for pollution regulation and compliance and to determine the conditions of access to resources which are located on lands reserved for or allocated to aboriginal populations.

For example, in the far north of Canada, under the agreement known as the COPE Agreement negotiated with the Inuvialuit people, "participation agreements" must be negotiated by developers desiring access to resources on Inuvialuit land. It is contemplated that participation agreements will determine the level of compensation payments for access by the developer, as well as for any resultant damage to the lands or other resources. Other matters contemplated to be covered by participation agreements are wildlife impacts and mitigation, targets for employment, service and supply contracts, training, equity and other types of participatory benefits.

An agreement recently negotiated between the Lax Kw'alaams Band of Fort Simpson, British Columbia, and Dome Petroleum Limited provides a model for resource use agreements. This agreement attempts to deal with the concerns of the Band for safety, social welfare, economic opportunities such as jobs and business contracts, environmental impacts, and fish and wildlife supply. The agreement arose because of Dome's plans to build a liquified natural gas facility near the Band's community. The facility requires certain rights of way through the Band's reserve for pipe and transmission lines.

In Queensland, Australia, "infrastructure agreements" are required at regional and local levels when large resource developments will have substantial impacts and infrastructure needs. In Massachusetts, legislation requires that developers bargain with local residents on mitigation and compensation measures when a proposed project may have substantial environmental consequences.

Experience elsewhere suggests that a contract-model approach would be suitable in Ontario. The negotiation of what I call resource-use agreements would be the best way to deal with not only any adverse consequences of development, but also to direct benefits from resource exploitation to local residents, businesses and communities.

How should such agreements be negotiated? Elsewhere, as we have seen, resource use agreements have been legislatively required, or negotiated by government agencies, or have arisen as part of the costs voluntarily paid by developers to achieve access to resources. The need to obtain a resource-use agreement as a pre-requisite to development would give affected communities considerable bargaining power to counter-balance the usually greater economic power of developers. But I have some concern that many of the communities in northern Ontario would have difficulty negotiating acceptable and workable resource-use agreements. There is a considerable level of sophistication, education and experience needed to arrive at workable resource-use agreements. Presumably, the affected communities could retain advisors and negotiators but this would be an ad hoc approach which would vary greatly in outcome. My preference as I have indicated is for an institutional mechanism to negotiate resource-use agreements with developers on behalf of the north, its people, communities and the northern environment; it is for the Northern Development Authority.

I will be returning to the Northern Development Authority and the resource-use agreement in a number of other recommendations that I make in this report. They are key elements to the overall approach which I believe this province must take if it is to preserve the northern environment.

CHAPTER 3

PROTECTING THE NORTHERN ENVIRONMENT

"We have not inherited the earth from our fathers, we are borrowing it from our the children." (Chief Thomas Fiddler and James Stevens).

I think it is fair to say there was no widespread concern about environmental issues until after the 1962 publication of Rachel Carson's Silent Spring, a passionate warning about the dangers posed to water, land, fish, birdlife and, ultimately, the safety of humans, as the result of increased use of chemical pesticides and fertilizers.

Carson compelled people to consider a new danger: the presence of pollutants as they passed through the food chain, decimating species of birds and fish, and threatening the health of humans. As remarkable as it may seem to young generations of Canadians to whom "pollution", "ecology", and "the environment" are everyday words describing a fact of 20th century living, they and the concerns they represent were virtually unknown 25 years ago.

By 1955, increasing concern about environmental matters led to several legislative initiatives: the Ontario Water Resources Commission Act, 1957, the Air Pollution Control Act of 1958, the Environmental Protection Act, 1971, and, in the same year, the formation of the first Department (now the Ministry) of the Environment. The province, which had taken over responsibility for air pollution control from municipalities, also gave the new department the task of maintaining a high quality of water and land *"that will protect human health and the ecosystem"*.

By the mid-70s, a new general consensus was emerging, based on a concern for the environmental consequences, not just of chemicals but of all aspects of modern life. This was the social context within which Ontario's Environmental Assessment Act was presented and passed in the spring of 1976.

I think it is fair to say the Act has made little impact on the general public, beyond their vague sense that environmental assessment exists. This may be because of its limited use. Yet this is unfortunate because the process of the Act involves public participation and is valuable in increasing awareness of and formulating public policies regarding environmental issues.

The Environmental Assessment Act was passed in an attempt to balance various competing -- and sometimes conflicting -- interests and to consider the many complex issues involved; it is worth describing here in some detail.

The general scheme of the EAA is relatively straightforward: first, a decision has to be made on whether the Act applies to a

proposed project. Unless the undertaking is exempted under Section 30 (Exemption Order) or Section 41 (Exemption Regulation), all projects in Ontario fall under its scrutiny. However, only those private projects specifically designated come under the Act. In other words: public projects are subject to the Act unless exempt, private projects are exempt unless designated.

Criteria for exemptions under the Act are that they be "*in the public interest, having regard to the purpose of the Act, and weigh that against injury or damage that might be caused to a person or a property by applying the Act.*"

THE PROPONENT

There is a considerable body of evidence to conclude that this separation between private and public projects is artificial and defeats the intentions of the Act. First, however, let us deal with the question of how a company, government ministry, group or individual is designated as "proponent"; that is, as the entity responsible for the project. This determination, apparently straightforward, has far-reaching practical consequences.

For example, the Act provides that some ministries and entire categories of projects may be exempted from its provisions; as a result, a public undertaking involving several ministries can be delayed considerably by internal debate amongst them on which should be the proponent. Because of the blanket exemption of many ministries (e.g., the Ministries of Revenue, Labour, Education) from the Act's provisions, choosing one of those as proponent effectively assures that there will be no environmental assessment of the proposal.

The existing distinction under the Environmental Assessment Act between public and private undertakings has resulted in an even more serious problem with respect to Crown lands, especially those in the north. An undertaking on Crown-owned land, funded for direct and indirect costs by the Government, could depend heavily on several ministries for various types of approval, funding and other participation, and still be held to be a private project not subject to the Environmental Assessment Act. This was the subject of quite understandable criticism at hearings of the Commission. At the April, 1983, hearing in Thunder Bay, M.B. Jackson from the Ministry of the Environment, said there was "*no regular process*" for identifying a proponent.

Furthermore, I became aware that delays are caused by problems in identifying which group, company or ministry is held to be the proponent. The Commission undertook a case study of the application of the Act involving a proposed road accessing a major gold mine at Detour Lake, and found that there had been delays for exactly that reason. As our case study explained, "*No one wanted to take on the responsibility*"; finally, late in the history of the project, the Ministry of Transportation and Communications was determined to be the proponent.

Clearly, any decision on naming a proponent must receive early attention in order to minimize delay and create an efficient context in which environmental assessment can take place.

The Town of Iroquois Falls in its appearance at a Commission hearing in December, 1982, made some useful suggestions. The town proposed that the Act be revised to give the Ministry of the Environment the power to designate the proponent. Alternately, the Minister of the Environment should introduce a procedure which would require possible proponents to agree on who would be the proponent for a given project within a specified time period. Failing agreement, the Minister would decide.

I find both these approaches to be appropriate reforms to the environmental assessment process.

3.1 Recommendation:

That for purposes of environmental assessment under the Environmental Assessment Act of undertakings on Crown land, the Government of Ontario, through the ministry or ministries most involved in the management or regulation of the resource or activity concerned, be the proponent or co-proponent of such undertakings; and that the Northern Development Authority be a co-proponent for all undertakings north of 50 for which a resource use agreement has been negotiated.

3.2 Recommendation:

That the Government of Ontario develop and introduce procedures for identifying proponents at the earliest possible stage of the environmental assessment process under the Environmental Assessment Act.

3.3 Recommendation:

That the Minister of the Environment be empowered to designate proponents for undertakings subject to the Environmental Assessment Act.

PRE-SUBMISSION CONSULTATION

Once it has been decided that the assessment provisions of the Act apply, the proponent must have an environmental assessment prepared which meets guidelines of the Ministry of the Environment. Upon submission of such an assessment, the Ministry is obliged to coordinate a review of the assessment.

An informal consultation to help ensure that the assessment will be acceptable usually takes place before the proponent submits its environmental assessment to the Ministry. Such pre-submission consultations are viewed very positively by the Ministry. Proponents, interested government agencies and other parties affected by the proposed undertaking are strongly advised to participate, though there is no legal obligation to do so.

The Ministry should be commended for its efforts to involve the public through its Guidelines for Pre-submission Consultation, September, 1981. In its submission in Thunder Bay on April, 1983, the Ministry assured the Commission that cooperation from proponents has been "very good" and "very cooperative". However, despite the benefits of consultation presented in the guidelines, a proponent may also perceive early consultation as strengthening any opposition to its undertaking.

An obvious weakness in the present process, however, is that it relies upon the voluntary cooperation of the proponent to initiate the pre-submission consultation.

In his presentation of July, 1982, the-then Minister of the Environment, the Hon. Keith Norton, told me he supported the idea of instituting a formal pre-submission process to *"effectively minimize the delay and conflict which might characterize environmental assessment procedures otherwise, and remove much of the uncertainty that concerns most proponents"*.

A preliminary consultation process initiated and, to a great degree, controlled by the proponent, that is discretionary and that has no legal status, does not -- in my opinion -- appropriately answer concerns about the initial presentation of a project.

3.4 Recommendation:

That the Environmental Assessment Act be amended to require pre-submission consultation by the proponent, government and interested parties; that procedures for pre-submission consultation continue to be established through the publication of guidelines by the Ministry of Environment.

3.5 Recommendation:

That the Environmental Assessment Act and Section 5(3) thereof be amended to require that the environmental assessment document also contain a description of pre-submission consultation which indicates who was involved and what matters were discussed.

The Northern Development Authority, as it is conceived, would be part of the pre-submission process. Given its proposed functions, the Authority would act, not only as an early warning system for determining the effects proposed undertakings might have on a highly sensitive environment, but also as a method of bringing the interested parties together. They would meet with the Authority to define the possible effects, including socio-economic ones, of the undertaking within a structure designed to resolve differences and to lead to amelioration of those effects.

There are further questions regarding the current approach taken to environmental assessment, especially in the matter of the proponents' assessments which all too often fail to incorporate necessary ecological values. According to many criticisms made in

testimony to the Commission, there is a need to use more sensitive and accurate indicators of potential bio-physical impact on the environment.

ECOLOGICAL FACTORS

The Ontario Chapter of the Canadian Society of Environmental Biologists presented to the Commission in its submission of January, 1983, an "ecosystem" approach containing six elements:

- 1) A peer review committee, established at the outset of each environmental assessment, to advise on the technical aspects of data collection and analysis.
- 2) Identification of important attributes of the environmental assessment process at an early stage.
- 3) Definition of the physical boundaries and time frame of the proposal.
- 4) A method of studying the basic, identified ecological relationships.
- 5) A prediction of the various kinds of environmental impact likely to result from a project.
- 6) A major commitment to monitoring a project both before and after it has been developed.

The Conservation Council of Ontario, in its presentation of November, 1982, discussed "ecodevelopment", an approach more or less based on the same six principles. The Council summarized these recommendations as the *"application of the broader considerations ... pertaining to: the articulation of the purpose of development; the qualities to be sought and maintained in our developmental environments and the characteristics to be minimized; the definition of the study area; citizen participation; and the provision and quality of information"*.

Detailed scientific examination of these concepts, supported by case studies evaluating their effectiveness and their effect on the present process, are necessary for in-depth evaluation of these precepts. Nonetheless, the potential for improving input into the current process by using a unified and policy-oriented approach seems obvious.

3.6 Recommendation:

That the Government of Ontario develop specific and quantifiable ecological factors for use in the assessment process under the the Environmental Assessment Act.

Having examined some current problems and possible solutions, let's now return to the rest of the process as it exists under the Environment Assessment Act. First, it's important to keep in mind that it involves two decisions: whether to accept or to amend and then accept (but not reject) the environmental assessment document

and second, to approve, approve subject to terms and conditions or not approve the proposal itself.

The Ministry circulates the environmental assessment document to other ministries which might be concerned: for example, to the Ministry of Transportation and Communications if the project involves roads, to Natural Resources if a mine is being considered, to Citizenship and Culture if the area may contain archeological sites, and so on.

One of the greatest areas of delay apparent in the present review system is the co-ordination of the review process. The period after the reviews are received from various ministries can be lengthy. (A sensitive process of behind-the-scenes political compromise can take up to a year before the review is released.) This process has been impolitely described as "laundering" the review; others see it as a necessary negotiation period to satisfy the government agencies involved in the process. In any event, it is clear that there is not only delay but a tendency to narrow the issues before public review takes place.

Both the assessment and the "laundered" ministerial review are open to public inspection. Section 31(1) of the Act requires the Minister to maintain a public record which includes: the environmental assessment document prepared by the proponent; the Government review of the assessment; submissions by other interested parties; decisions; and various orders and notices under the Act. Public notice is given that, within 30 days, anyone may inspect the documents and make written submissions about them to the Minister. Those who make written submissions may also require — subject to ministerial approval — a hearing by the Environmental Assessment Board, which is established by the Act.

Once an assessment has been accepted, or amended and accepted, there is published notification of the acceptance which allows 15 days for interested parties to request a hearing about the undertaking before the Environmental Assessment Board. Though the Minister may refuse to hold such a hearing, generally permission is granted and, as a result, most major decisions are made by the Environmental Assessment Board after a hearing.

If a hearing is not requested or if the Minister chooses not to hold one, he or she must decide — subject to Cabinet approval — whether to approve the proposed project, approve it subject to conditions, or not approve it. If a hearing is held, both decisions (whether or not to accept the assessment and whether or not to approve the project) are made by the Environmental Assessment Board. There is, however, an overriding ministerial power (requiring Cabinet approval) to alter the Board's decision within 28 days.

STANDING

I am concerned about the description of parties entitled to appear before the Environmental Assessment Board. According to Section 12(4) of the Act, these include the proponent, persons who

require a hearing and any other person the Board determines. According to Section 18(16) of the Act, the Ministry of the Environment has the power to take part in proceedings before the Board. The Act is silent on the limitations, if any, that the Board could place on those who ask for standing but are not listed in the legislation. While I support the retention of such discretion, guidelines or criteria should be developed to assist the Board in determining which parties should have standing. Furthermore, listing the criteria would be a further step in clarifying and opening up the entire assessment process. Criteria could include: any person or group wishing to present any perspective, viewpoint or interests not represented by other parties; any person or group with a previously demonstrated interest in the matter before the Board; or any person or group able to contribute to the Board's understanding of the proposed undertaking.

Because of the unique relationship that northerners, particularly in native communities, have in relation to their environment, they should have ready access to the deliberations of the Board, particularly with respect to undertakings in their region. It is obvious no project which might affect a native community should proceed without native representation before the Board, if it is requested.

3.7 Recommendation:

That the Environmental Assessment Board develop guidelines to assist its determination of who has standing before the Board; and that such guidelines provide that standing shall be granted to any native community which may be concerned about any effects of an undertaking.

PUBLIC RECORD

The Environmental Assessment Board is to be commended for its liberal interpretation of standing for public participants with an interest in the matters before it. However, if any such hearings, or the process as a whole, is to have real meaning, all parties involved in it need equal access to information in order to guarantee all are treated as equals. But there is an even more vital reason: public acceptance of the process of environmental assessment, as distinct from acceptance of individual projects, is essential.

It was made clear to the Commission that Section 31(1) is insufficient for this purpose. Background studies and reports are crucially important in making reasonable decisions; while I recognize some internal corporate documents are confidential of necessity, all consultants' reports, studies and background materials on which a decision may be based should be part of the public record. This includes studies which the Government uses as part of its review.

3.8 Recommendation:

That the public record maintained by the Ministry of the Environment for undertakings subject to environmental assessment include any report or study relied on by the proponent or by any Government agency reviewing the environmental assessment.

At present, there is no statutory requirement regarding the precise location of the public record. Section 31(1) requires that the Minister *"shall cause to be maintained a record..."*. The Ministry, however, has provided an informal procedure of making the public record available at local depositories.

As was pointed out to us repeatedly, communication between proponents, the Ministry and the local residents is, on occasion, difficult. Given the unique situation in the north, the distance between communities and the lack of communication facilities, it is vital that all nearby communities which could be affected by a proposal north of 50 have access to the public record. That would include municipal offices in communities north of 50 as well as all native communities, through their respective band offices.

3.9 Recommendation:

That copies of the public record be maintained by the Ministry of the Environment for proposed undertakings north of 50 at the Northern Development Authority and at affected northern communities in Band offices.

PUBLIC NOTICE

At present, no public notice is required by the Environmental Assessment Act until after the proponent has formally submitted its assessment and the Ministry of the Environment has completed reviewing it. The Commission became aware of considerable dissatisfaction with the lateness of such public notice, particularly for projects with significant environmental effects. A typical comment was that of the Canadian Environmental Law Research Foundation which, in its November, 1982, submission to me, said a project which has been discussed and reviewed in relative secrecy for several months can be perceived as having been agreed on before public notice was given, and that major decisions have been made behind closed doors without input from interested parties.

Clearly, the answer is earlier and more comprehensive public notice. There is no particular reason to believe that such notice would lead to increased delay, and timing should be included in the proponent's existing project timetable, if such timetables exist. Despite industry's occasional protests claiming increased delay and expense, it is clear that any additional administrative and advertising costs resulting from proper public notice would be offset by improved input at the early stages.

Moreover, by alleviating public concern, earlier public input could reduce the time needed for the full environmental assessment. In fact, with the further consultation of all

parties, such notice could eliminate any need for an expensive and time-consuming hearing process. Finally, of course, it must be noted that the need for an essentially just and sensible process can never be discarded on the grounds of short-term necessity.

Clearly, there is room for improvement in the Act. The Commission's two case studies, The Road to Detour Lake and The Onakawana Project, provided considerable detail that there would have been a considerable benefit if outside parties had been given the opportunity for earlier input. (The Detour Lake Road was finally ruled not subject to environmental assessment, while the Onakawana project did not proceed.)

3.10 Recommendation:

That for every undertaking subject to the Environmental Assessment Act, the Ministry of the Environment prepare a concise summary or screening document that describes the proposed undertaking, sets out the schedule contemplated for its completion, identifies a proponent of the undertaking, provides a preliminary evaluation of potential environmental effects and contains a copy of any guidelines for preparing the environmental assessment document issued by the Ministry.

3.11 Recommendation:

That the public have access to any record maintained by the Minister of Environment under the Environmental Assessment Act with respect to a proposed undertaking from the time the screening document is released.

3.12 Recommendation:

That the requirements for public notice under the Environmental Assessment Act be expanded to provide for earlier and more extensive dissemination of information to the public about proposed undertakings by:

- (a) immediate and widespread public notice and dissemination of the screening document by the Ministry of the Environment when all information required for the document is available;
- (b) similar public notice by the Ministry of the receipt of the completion of an environmental assessment document indicating how interested persons may have access to the document and how submissions commenting on the document may be made in order to be included in the Government's review of the environmental assessment document.; and
- (c) similar public notice by the Ministry of completion of the Government's review of the environmental assessment document, including how interested persons may request a hearing.

3.13 Recommendation:

That wide-spread public notice by advertisement and mailing be given of any decision to hold a hearing by the Environmental Assessment Board; that such notice not be restricted to notification of previously identified persons; and that a minimum of 60 days notice be given of any hearing involving an undertaking north of 50.

3.14 Recommendation:

That public notice under the Environmental Assessment Act involving undertakings that either the Ministry of the Environment or the Northern Development Authority consider to be of interest to northern communities be made in the appropriate native language and provided to potentially interested local governments, Band Councils and northern residents; and that all such notices indicate what further notices, if any, will be given.

A publication which I found to be very useful is "EA Update" - it is widely circulated on a regular basis by the Ministry of the Environment and contains information on the status of environmental assessments and details of any changes in law, regulations, guidelines, procedures or policies affecting assessments under the Environmental Assessment Act. "EA Update", should, however, be expanded and disseminated as follows:

3.15 Recommendation:

That the Ministry of the Environment's publication, "EA Update", include all requirements for public notice, both in general and with respect to particular assessments; and that "EA Update" be distributed in a timely manner to all northern communities.

One purpose of earlier notice is to encourage earlier public response and identification of public concerns. Proponents should be asked to include details of any public response or consultation which may have occurred during the design of the undertaking and the preparation of the environmental assessment in the assessment document.

3.16 Recommendation:

That the Environmental Assessment Act be amended to specify that the environmental assessment document contains a full report on all public response or consultation in which the proponent was involved while planning and designing the undertaking and preparing the assessment.

A cause for concern involves what is described under the Guidelines for the Preparation of Environmental Assessments, as class environmental assessment. It was designed to cover groups of projects which are "relatively small in scale, recur frequently, and have a generally predictable range of effects ... likely to cause relatively minor effects in most cases."

The Ministry of the Environment and others contend that, in the words of David Redgrave, Assistant Deputy Minister of the Ministry of the Environment, at the Thunder Bay hearing in April of 1983, class assessments have *"streamlined the process and enabled proponents to incorporate the principles of the Act into their planning and program delivery systems in an effective and efficient manner."* Certainly, class assessments can serve two purposes: first, to provide basic environmental evaluation of projects and activities having similar environmental effects too small to warrant full-scale assessment and, second, to identify the most important environmental concerns of individual projects within the assessed class. The second of these implies a two-stage assessment process in which specific projects might be "bumped up" to be considered individually after a class assessment is completed.

The question in my mind is whether there really is a category of projects which can be described as *"likely to cause minor effects in most cases"*. According to testimony before the Commission, even relatively small undertakings can have significant and long-lasting effects on the environment and social structure of the north. Moreover, the cumulative effect of relatively small projects can be substantial for the fragile environment north of 50. For example, a reserve which has long been isolated from other communities through lack of road access, may be substantially affected by even a short access road near the reserve. In the same way, individual decisions about access to lakes, or for access roads for forest fires and campgrounds, may seemingly have little individual effect on the environment but the cumulative impact of such decisions could irreversibly change the environment of the north.

In addition, there are two grounds for concern about the possible misuse of class assessment: first, that it can be applied to major activities of the same class or kind that actually have substantially different environmental effects, without the safeguard of adequate "bump-up" provisions. The most important instances involve the Ministry of Natural Resources as proponent, in keeping with the Ministry's Draft Class Environmental Assessment for Forest Management.

Commenting on an early draft of that document, the Ministry of the Environment pointed out that *"The (draft) states ... there is 'considerable variation of construction standards of Forest Access Roads in terms of road right-of-way, slope, geometrics, grade and surface requirements ...'".* Such a statement does not appear consistent with the concept of class environmental assessments". The comment was made by V.W. Rudik, Assistant Director of the Environmental Approvals Branch of the Ministry of the Environment in a letter to the Land Use Coordination Branch of the Ministry of Natural Resources, dated February 27, 1981.

The Ministry also said that, *"Access roads are considered a significant component of the forest management activity. Not only do they have the potential for significant environmental effects from the construction activity but they also carry with*

them major implications with respect to access to previously inaccessible areas."

In addition to concern about the actual environmental impact of certain classes of projects, there is a second concern that too many temporary exemptions are granted while class assessments are being prepared. Many exemptions have been in effect for several years or have lapsed, despite which activities within the class continue. Class assessment must not be used to postpone assessment indefinitely. Furthermore, confusion results when relatively small-scale projects (the Smooth Rock Falls Municipal Landfill Site, for example) are subject to the full process under the Environmental Assessment Act, while the status of potentially large-scale undertakings remains uncertain.

3.17 Recommendation:

That all class assessments under the Environmental Assessment Act effecting areas north of 50 contain a "bump-up" provision to ensure that environmentally significant undertakings within the class are subject to individual assessment.

3.18 Recommendation:

That each "bump-up" provision in a class assessment under the Environmental Assessment Act indicate the circumstances in which the "bump-up" is to occur - e.g., by request of affected persons, by identification of resource-use conflicts, and by criteria such as unique ecological factors which call for individual assessment.

FUNDING

Having described the Environmental Assessment Act and the process of environmental assessment, it is appropriate now to comment on some of the issues that the process involves, beginning with the matter of funding.

The promise of public participation in the environmental process is empty unless it is backed with a fair, clear-cut funding system. My views on this have been influenced to some extent by the process of this Commission, as mandated by Order-in-Council, and I would like to make certain observations which result from that experience.

First, all government ministries and agencies which operate north of 50 have found it necessary to provide extraordinary services in order to communicate effectively with the people there. While direct funding to the representatives of specific interest groups may not be the rule, indirect subsidies in the form of transportation, communications and support services (e.g., office, clerical staff) have become recognized as necessary, given the unique physical and social characteristics of the north.

Lack of funding, direct or indirect, means virtual exclusion of northerners from the decision-making process. At the Commission itself, there was little doubt that failure to fund

travel, research and writing of submissions would have resulted in levels of information and public participation than were less than needed to study relevant issues fully.

The lack of established criteria for funding has not created insurmountable barriers to public access. In many instances, the absence of criteria on which to base funding decisions has been as successful as established criteria, because of a level of reasonableness and representativeness on the part of all concerned. Nonetheless, specific criteria do provide important guidelines for such decisions and lessen the chances of employing an ad hoc approach that is justifiably open to criticism.

There was widespread support for public funding in presentations made to this Commission and in the recommendations of other bodies. For example, a review of recommendations shows that, among others, the Ontario Royal Commission on Electric Power Planning, the Lancaster Sound Assessment Panel, the Canadian Environmental Advisory Council, the Economic Council of Canada and the Law Reform Commission of Canada have all given clear-cut support to public funding of public participation.

Their views were summarized for us in November, 1982, by the Canadian Environmental Law Research Foundation. So too were underlying rationales: the need to reduce the differing levels of power which exist between companies, organizations and governments on one side of a project and people and associations on the other; the existence of conflicting interests; the need to enhance the cost-effectiveness of the assessment process; the need to ensure fairness.

Funding, either by the proponent or Government, must be made available to ensure that intervenors produce useful and effective material for consideration. I recognize that this may be considered costly, especially in times of restraint, but the public good and the long-term harm which results from inadequate planning and lack of public participation far outweigh this consideration. That is especially true in the north, with its particular problems of transportation and communication, its limited financial resources and where sources of information and technical expertise are rarely available locally.

In the same way that the Royal Commission on the Northern Environment could not have gathered information from representative sources across the north without offering funding, it is impossible to conceive of a genuine environmental assessment process operating without appropriate funding of those potentially affected by a proposal. Clearly, it is needed, particularly for participants who appear before the Environmental Assessment Board.

Criteria are needed, I believe, to assist in the distribution and use of granted monies. It is not enough to say that all costs directly related to public participation should be covered. Instead, money should be made available for approved uses, including such direct costs as those required to make written submissions on the environmental assessment document itself,

expert assistance with such submissions or at Board hearings, research, expert witnesses, legal costs, transportation and communications.

In its submission, the Town of Iroquois Falls said, "A substantial amount of money is needed for research in order to prepare a submission before the hearing and to cover the costs for the hearing(s) itself. Most interest groups, individuals and/or municipalities are financially unable to prepare for a hearing(s). Interested parties may have no option but to back out of the proceedings if more than one hearing is necessary, as is often the case."

The Commission's criteria, set out in Schedule B of Order-in-Council 1900/77, can be recommended as generally suitable in determining which groups seeking financial aid should receive it. To avoid perceived conflicts of interest or bias, it is necessary to administer funds through an independent body. The Commission itself experimented with both "arms-length" and internal funding committees. There was little difficulty with the latter, but I have concluded that a separate committee or agency is nonetheless preferable, particularly for decentralized, local decision-making, in order to avoid any possible or perceived bias.

The key question, of course, is: who should pay the costs of public participation? A special levy on proponents of development projects north of 50, based on a percentage of the projected capital costs, would be feasible, initially on an experimental basis, if the undertaking had the capacity to bear the expense. If it could not and the undertaking involved the public interest, the Government could contribute some portion or all of the levy. In the case of a public undertaking (i.e., one in which a municipality was the proponent) it would also be required to contribute a part of the funds, if necessary. The Northern Development Authority may become an additional funding source for public participation.

Awarding costs only after a hearing is not effective, since it means interested parties would be required to play funding roulette: to face the costs of researching and organizing a brief or submission without knowing whether funds were going to be available. No one who needs public monies can afford to take this kind of risk.

3.19 Recommendation:

That north of 50, funding for public participation in the environmental assessment process be mandatory under the Environmental Assessment Act; and that a special fund be established on an experimental basis to fund participants in the environmental assessment process to which proponents and government ministries or agencies contribute, as may be required by the Minister of the Environment.

3.20 Recommendation:

That funding for public participation in the environmental assessment process be provided to groups or individuals with a relevant interest in the matter, to the extent that financial assistance is needed to ensure adequate participation and the presentation of all relevant views.

3.21 Recommendation:

That the public participation fund be administered by an "arms-length" body (see Recommendation 3.24).

3.22 Recommendation:

That, with the assistance of interested persons, criteria be developed to guide decisions on allocating funds to persons for participation in the environmental assessment process under the Environmental Assessment Act; that these criteria give special consideration to the needs of northern residents and to others with needs arising from the nature of their interests or their place of residence; and that these criteria also establish appropriate requirements for accounting by recipients of funds received for participation.

3.23 Recommendation:

That, a list of approved uses for funding of participation in the environmental assessment process be developed by an "arms-length" body and include funding for written submissions on the environmental assessment document, expert assistance in preparing submissions, research, expert witnesses, legal counsel, translation and communications.

ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

I see the Environmental Assessment Advisory Committee as playing an important role in the environmental assessment process. It is comprised of three members appointed by the Minister of the Environment and is responsible for giving advice on a variety of matters, including exemptions from the Act and the designations of undertakings for assessment. The recent establishment of the Committee is a positive step in the evolution of the Environmental Assessment Act and its procedures. As an advisory body, it can serve as a conduit for public participation in the discretionary decisions required under the Act.

The Committee's present terms of reference are narrowly defined. It is directed to provide advice to the Government, through the Minister of the Environment, on requests for exemptions from the provisions of the Act, and to recommend whether an undertaking should be subject to the Act. The Committee is also expected to comment and advise on the reasons given by those making proposals and requesting exemptions, particularly when the project has implications related to public

health and safety, economic necessity, and has significant environmental effects.

No other powers are granted to the Committee which, according to agreed-upon procedures, is only informed of selected requests for exemption and designation. It is directed by letter from the Minister to advise on particular undertakings or it may, on its own initiative, consider a proposed undertaking. Only a few projects (15 to date) have resulted in a Committee report and recommendation.

Submissions received by the Commission were virtually unanimous in calling for an open environmental assessment screening process. It is a matter of necessity to decide early on under the Environmental Assessment Act which projects could have a significant impact on the environment and which will not. There is usually considerable public interest in projects which clearly will have significant effects and the Government correctly recognized that such an advisory group can play an important role in this process.

However, it is necessary to go further than the Committee's current role in weighing the facts presented as part of each request for exemption or designation and in encouraging public input into the resultant recommendations. It should be authorized to review all exemption and designation requests received by the Minister. If it so chooses, it should be able to set guidelines or a "threshold" for undertakings not requiring individual review.

The Environmental Assessment Advisory Committee would also be a suitable "arms-length" body to deal with other important unresolved or entirely discretionary matters in the environmental assessment process. I am well aware of the implications of such recommendations on the existing resources of the Committee but independent consideration of important environmental matters would, in the end, be cost-effective in avoiding existing expensive, time-consuming conflicts in the environmental assessment process.

Finally, I am much encouraged by the Committee's present procedures, particularly with the emphasis on timely consideration of undertakings referred to it and with the openness of its review process — including public access to its report to the Minister after a decision is made. Its continued credibility depends on maintaining the open and fair procedures already noted.

3.24 Recommendation:

That the Environmental Assessment Advisory Committee be directed by the Minister of the Environment to advise, following a thorough investigation involving full public participation, on the following matters:

- (1) all exemption and designation requests received by the Minister;

- (2) the Guidelines for Pre-Submission Consultation and the pre-submission consultation process;
- (3) class assessment procedures, including "bump-up" provisions;
- (4) procedures for early determination of the proponent;
- (5) criteria for funding public participation in the environmental assessment process (including the selection of applicants for funding) and accountability for the use of the funds; and
- (6) procedures for resolving interprovincial and federal/provincial conflicts.

3.25 Recommendation:

That the Environmental Assessment Advisory Committee administer the public participation fund as called for in Recommendation 3.19 and 3.21 and decide on applications for funding.

3.26 Recommendation:

That the Committee annually review and report on its activities and the state of environmental assessment in Ontario to the Legislature, through the Minister of Environment.

PRIVATE SECTOR APPLICATION

I come now to the application of the Environmental Assessment Act to private-sector projects, the second part of the two-tier system, under which such projects are exempt unless designated. It is worth noting at this point that, of the four private undertakings that have been so designated, two were for the area north of 50 — a fact which may underline the vulnerability of the northern ecology.

The first private-sector designation, of central importance to the Commission, was that of Reed Ltd.'s activities. Others include the proposed development of a lignite deposit by Onakawana Development Ltd., a hydro-electric dam on the Spanish River and a sewage project on Fighting Island.

I also note that three of these designated undertakings date back to 1977/78, illustrating the lack of application of the Act to private undertakings in recent years. This is especially worrisome in view of the Ministry of the Environment's concern, as stated in its November, 1977, submission to the Commission, that *"The northern environment is still a frontier in many ways. Predicted effects of developments in the south cannot be readily translated to the north and in many areas the impacts of various developments are not fully understood."*

Although some representatives of government and industry disagreed, there was widespread support in submissions to the Commission for applying the Environmental Assessment Act to the private sector. I repeatedly heard comments like those made in February, 1983, by the Algonquin Wildlands League that "the goals of environmental protection and open decision-making provide no reason for distinguishing between public and private ventures." Others pointed out that such a distinction is environmentally irrelevant; that the private sector should now be well acquainted with the Act, either because it was familiar with the process in Ontario or because of direct experience in other jurisdictions. Indeed, as indicated in the case of Onakawana Development Ltd., private proponents sometimes actually welcome the opportunity to alleviate public concern through the environmental assessment process, and this company so elected at the outset.

The Government of Ontario now has considerable experience in using the Act to assess the environmental consequences of public-sector undertakings. Applications of the Act to the private sector is long overdue and the Government has been remiss in not working actively toward the day when the Environmental Assessment Act will apply to all undertakings.

The Act has great importance as a planning tool in collecting and analysing data about the potential environmental consequences of an undertaking. Given the sensitive nature of the northern environment, the destruction already suffered in the environment, and the socio-economic dislocation that has already occurred and will continue to occur unless the consequences of development are analysed beforehand, it is imperative that the Environmental Assessment Act be supported by the Government in general, particularly by the Ministry of the Environment, which administers it north of 50. Many of the submissions to the Commission warned that there is a trend towards "weakening" or "diluting" the Act; clearly, any such tendency must not be permitted.

The Commission received numerous submissions about the Environmental Assessment Act and hundreds of specific suggestions about how to improve the process under the Act and the Act itself. As will become clear, these proved helpful in formulating my own recommendations; however, in order to provide a framework for those recommendations, it is necessary to focus on the three broad areas of concern suggested by the evidence.

First, there is perceived resistance to the Act by Government itself: ministries were seen as reluctant partners in the application of the process; in the words of the submission by the Canadian Environmental Law Research Foundation, November, 1982, "The source of this resistance is that many government officials see the EAA as causing delay, being burdensome and unnecessary. However, the evidence doesn't support these views. When projects have been delayed, it has usually been because they were not feasible or advisable in the first place. The road to development is littered with such white elephants as the South Cayuga Waste Disposal facility, the Maple Land Fill site, the Darlington Nuclear Generating Station, the Reed Tract, the Inco Spanish River Dam, and the West Montrose Dam. All of these projects have died

or languished not because of the environmental assessment process, but because of problems which were or could have been revealed through the EA process."

Examples within the Commission's own experience bear this out: our studies of the road to Detour Lake and the proposed Onakawana project; the evidence presented at hearings by MOE and MNR concerning the Land Use Guidelines; the class assessment on forest management. All pointed to a buffeted, weakened Ministry of the Environment and a lack of commitment in giving maximum support to the Environmental Assessment Act.

Second, because of the Government's wide discretion to exempt, or its failure to designate, projects that clearly have a significant environmental impact, decisions appear to reflect political expediency rather than environmental consequences; nor are these decisions the result of appropriate public discussion and input.

According to the Ministry of the Environment, there is a lack of guidelines for designating private-sector projects for assessment. At the Thunder Bay hearing in April, 1983, Paul Rennick, Director, Environmental Assessment Branch, Ministry of the Environment, explained that the Act provides for a "grandfathering" period to *"try and make the Act and the processes more efficient and effective and use the Government, if you like, as a trial ... (before the) process ... was extended to private industry."* The use of the specific, legislated process embodied in the Environmental Assessment Act would be preferable to the discretionary, ad hoc process that has failed to meet public concerns regarding many private projects.

Third, opponents of the Act, particularly industry and municipal representatives, perceive that the Act leads to unnecessary and unacceptable delay, duplication of effort and expense. This was presented at hearings only as opinion, unsupported by any factual evidence. Few of those who made the allegation had had any real experience with the Act or the processes under it. The view of the Environmental Assessment Act as simply another bureaucracy-inspired approvals scheme, rather than as part of an overall planning process, came from a common misunderstanding amongst certain persons and groups making submissions. I agree that duplication in ministry programs as they relate to Ontario north of 50 may contribute to this misperception and it is one reason for recommending a Northern Development Authority to coordinate the development process.

3.27 Recommendation:

That given the sensitivity of the environment and the unique circumstances of development in the north, the Ministry of the Environment designate all private undertakings which it finds to have significant environmental effects north of 50 for environmental assessment under the Environmental Assessment Act.

3.28 Recommendation:

That in the determination of the "significance" of the environmental effects of any undertaking by the Minister of the Environment, the unique environment of northern Ontario and its importance to the socio-economic health of its residents, be considered, as well as expressions of public concern and recommendations from the Environmental Assessment Advisory Committee and the proposed Northern Development Authority.

3.29 Recommendation:

That no further undertakings be exempted by the Minister of the Environment from the Environmental Assessment Act on the basis of historical criteria such as "grandfathering" or "advanced stage of planning" north of 50.

COMPREHENSIVE ASSESSMENT

Assessing each project as a whole — all of its elements addressed at the appropriate time, as part of an assessment of the total effect on the environment as defined by the Act — makes the legislation and the process more coherent to the people involved and to the public generally; at present, the private/public distinction has occasionally led to piecemeal assessment and, even without that problem, the definition of what comprises an "undertaking" can be narrowly construed and result in a failure to assess the total proposal or project.

The Commission report, The Road to Detour Lake, showed the difficulties inherent in assessing separate elements of a proposal in isolation: the proposed gold mine itself was not designated under the Environmental Assessment Act. However, the question of whether or not the road to the mine site (which was also a road to the other resources of the area) was a public undertaking was internally debated (due in part to the reluctance of the Ministry of Natural Resources to be officially designated a "proponent".) In time, the road was held to be a public undertaking under the Act but was later exempted.

In his submission of July, 1982, the-then Minister of the Environment, The Hon. Keith Norton, said these "shortcomings (in the project) stemmed mainly from the fact that the public sector road-building activities were subject to the Act, while the private sector activity of establishing the mine that eventually triggered a need for transportation and other infrastructure, was not subject. This precluded the comprehensive and public consideration of all aspects of development at the concept stage when there was still flexibility and choice; but that is the benefit of hindsight."

In their submission, the Canadian Environmental Law Association asked the Commission rhetorically, in November, 1982, "Does it make any sense to assess the social, economic and environmental impacts of a road to a mine, and not assess impacts of the mine itself?"

To that I can only answer, "No".

The Minister of the Environment's passive involvement in this matter should not go unnoticed. In recognizing this "out of phase" planning, he indicated in July, 1982, that the Government might address such situations through the Environmental Assessment Advisory Committee. I agree that the Committee, through public consultation on specific undertakings, could play a useful part in establishing guidelines. However, as a general policy, all private-sector projects that are contingent on public-sector involvement or upon which public-sector undertakings are contingent, should be made subject to the Environmental Assessment Act if the public-sector undertaking is subject to it.

The Road to Detour Lake case study also showed that the Ministry of Natural Resources lacks awareness of the necessity of fully evaluating the impact of access roads. In our northern hearings, the creation of these roads was, in fact, one of the most contentious issues presented to us, and is discussed elsewhere in this report. Yet the Ministry, despite its own statements that the Detour Lake road might be part of a regional development and not simply a specific site access, showed little inclination to do any overall public assessment of the benefits and liabilities to northern Ontario of such a major project, either within its own legislation or under the Environmental Assessment Act.

3.30 Recommendation:

That all aspects (including related infrastructure, such as access roads) of site-specific undertakings subject to assessment under the Environmental Assessment Act be covered by a single comprehensive environmental assessment.

3.31 Recommendation:

That the Minister of the Environment designate all private undertakings for environmental assessment where related public undertakings are subject to the Environmental Assessment Act.

PROVINCIAL BORDERS

I should point out I am well aware that developments, especially those on a large scale, are complex undertakings often involving considerable commitments of money, time and energy. There are other complicating questions as well and one of these can arise in projects where there is overlapping jurisdiction, sometimes between the provincial and federal Governments, sometimes between bodies within the province and — especially in areas near the Manitoba or Quebec borders — between provinces.

Several submissions to the Commission expressed concern that proposals regarding projects near provincial borders and involving significant environmental effects might result in competing or overlapping assessments or might even escape assessment entirely. Certainly, as our study, The Road to Detour Lake made clear, there

is disquieting evidence of what happens when a project develops near a provincial boundary that has road and power services close at hand in the sister province. The road in question called for 160 kilometres of new road in Ontario whereas Quebec offered access and Hydro at no cost to the Company. The mining project was within Ontario's jurisdiction and the province decided to accommodate the company's timetable when jurisdictional conflict was involved.

The result, as fully explained in the Commission case study, was that, ultimately, the road to Detour Lake was exempted from assessment and no effort was made to examine whether the private portion (the mine itself) should be subject to environmental evaluation.

There is little cause to believe that similar situations, with competing provincial interests or provincial-federal interests, would yield different results, given the relative importance assigned to economic and political factors as against that assigned the environment. That has been clear in at least two other projects, the test drilling in northwestern Ontario by Atomic Energy of Canada Limited and the Keating Channel project in Toronto. The provincial Government must act as the leader, in concert with other provinces and with the federal Government, in establishing a method for resolving such conflicts.

The various jurisdictions must develop clear guidelines; excellent suggestions were included in the submission of the Canadian Environmental Law Research Foundation, which pointed out that it "would be preferable, from an environmental and planning standpoint, to have a resource development within a 100 km radius of a provincial boundary assessed by a federal government authority, or to have an agreement between provinces for joint assessment by both." Other such ideas should be developed, after public consultation, under the aegis of the Environmental Assessment Advisory Committee.

From responses to questions posed by the Commission, it became clear that the Ministry of the Environment has dealt with jurisdictional problems in an ad hoc fashion; suggestions from the Ministry included such mechanisms as joint hearings under the Consolidated Hearings Act and participation as parties in the hearings of other jurisdictions. R.M. Robinson, executive chairman of the Federal Environmental Assessment Review Office, in a submission of August, 1982, assured the Commission that "the federal process is sufficiently flexible to allow for joint reviews where appropriate."

However, there is still the question of determining which is the lead jurisdiction and of how to deal with possible conflict if parties are unable to agree on jurisdictional issues. Clearly, Ontario should take a leadership role in initiating discussions to design a mechanism for determining the proper jurisdiction(s) for the assessments of proposed undertakings with significant environmental effects. There must be a reciprocal response among other jurisdictions and a determination to resolve potential conflict prior to dealing with specific proposals.

3.32 Recommendation:

That the Environmental Assessment Advisory Committee, after public consultation, develop guidelines and procedures for environmental assessments of undertakings with trans-border or interjurisdictional effects in order to lessen jurisdictional disputes.

ENVIRONMENTAL PROTECTION AND RESOURCES

Having now dealt at length with the Environmental Assessment Act, the Environmental Assessment Board and the Environmental Assessment Advisory Committee, it is necessary to examine in a resources-oriented context the perceptions of development and environmental protection in the north.

Human uses of natural resources in the north form the very reason for the presence of people in the region. Traditionally, natives managed to use those resources in a manner that ensured their own long-term survival and the integrity of the environment. Today, that integrity is little more than a poignant memory of the past. All over the world, human abuse of the environment has caused pollution, destruction and scarring; once-abundant fish are gone from now-poisoned waters; areas once carpeted with trees and fauna have been reduced to scrub-brush and rock.

North of 50, large-scale mining and logging have been restricted largely to easily accessible areas. The high cost of transportation and production have tended to act as natural guardians of resources. Increasingly, however, those have become ineffective: many northerners believe technology and demand will move development northward. International markets and economies will continue to play a significant role in forest and mineral futures.

We will look further in this report at the ongoing results of development and the inherent costs to traditional values. We can acknowledge at this point, however, that the economic future of the north depends on its ability to sustain some level of industrial activity. The current debate is over the degree of resource-based development which should be permitted and how this can be accomplished at minimum expense to the natural environment.

The sense of the evidence given before the Commission by northerners was that development is acceptable if it is controlled. In the words of Michael Power, the Mayor of Geraldton, speaking at a Commission hearing in that community, *"Time and again, we in the north have said that we want development, but we want controlled development."*

At that same session, Eli Moonias, Chief of the Marten Falls Band, expressed the same view by saying, *"We are not against development, but we do not want the land destroyed in the process."*

In Sioux Lookout, Brian Anderson told us that *"the people ... want to have the beauty of the unspoiled environment and, at the same time, we want a high standard of living. Clearly, there has to be some compromise in order for everyone to have at least some of their needs met."*

Chief Andrew Rickard, whose actions lay behind the establishment of this Commission, said in a submission on behalf of Grand Council Treaty #9: *"We support development, but it must be controlled development to enhance environment protection."*

Tolson Rody of the Cochrane Board of Trade, speaking at a Timmins hearing echoed Chief Rickard: *"We willingly join environmentalist groups, native organizations and others in demanding that all industrial developments north of 50 be carried out with proper regard for social and economic needs of the local or nearby communities and for the protection and restoration of the natural environment."*

I quote these northerners to stress the importance of this point of view to the people of the north. There was also strong support from environmental groups, native peoples and tourism industry representatives for protecting the northern environment as a first priority, in preference to economic activity. Many spoke of a conservation ethic which holds that it is our responsibility to preserve the environment for the use and enjoyment of future generations.

At a Red Lake hearing Jean Evans and Ron Robinson of a group called TREES (an acronym for Taking Responsible Environmental and Economic Safeguards) expressed this as the view that it is, *"simply inconceivable that one generation should have the right to deprive all those succeeding it of their rights to a natural heritage."*

Charlie O'Keese, Chief of the Fort Hope Band, speaking at a hearing in Geraldton said, *"It is important for us to keep the land for our children, they are our future ... We are afraid of what will happen to the future of our children if the land is destroyed in any way."*

A DIFFERENT VIEW

Some northerners and representatives of resource-based industries have a different view. They have called for less control of those industries and warned of too much emphasis on protecting the environment. According to their argument, the north is a vast wilderness — sparsely populated, rich with resources — a place where the emphasis should be on economic gain rather than environmental protection, at least to the extent of encouraging large-scale industrial development operating free of restrictions and regulations.

John Huggins, president of the Timmins-Porcupine Chamber of Commerce, spoke to the Commission in Timmins: *"In general, it is suggested that stringent regulations ... be modified as*

development occurs in more remote areas ... particularly where the terrain is naturally unattractive for any future use, the cost of less stringent environmental controls is balanced by the greater cost for development and production."

At the same session, the Ontario Mining Association warned that any attempt to establish new industry in the north would require a trade-off between the needs of industry and security of the environment. Similarly, Douglas Pillet, corporate secretary of Union Miniere Explorations and Mining (UMEX) told the Commission at a hearing in Pickle Lake that, *"if you recognize ... that north of the 50th parallel is Ontario's last frontier and that its development must be encouraged, then you should say so, and make the rules for development fair, clear and reasonable."*

Bernard Ostry, then Deputy Minister of the Ontario Ministry of Industry and Trade, writing in a 1982 submission to the Commission, said, *"I appreciate fully the desirability of raising environmental standards, and of considering social benefits and costs, as well as market factors; but one must give careful consideration to the possible economic impacts of imposing additional costs and constraints on our industries."*

Native groups were among those who spoke most forcefully — and, I may say, most eloquently — about the condition of the natural heritage. Having suffered personally because of several notable instances of environmental damage, they were suspicious of resource development and production activities, and determined to maintain and pass on their culture and knowledge, despite the threat posed by increasing development.

The record also speaks for their concerns: 15 years ago, the provincial Government was forced to ban commercial fishing in the Wabigoon/English/Winnipeg river system because of toxic mercury levels found in fish. Mercury in the system downstream from a Dryden pulp and paper mill resulted in some locations in levels in fish 30 to 40 times higher than what were considered to be safe limits for human consumption. The Islington (Whitedog) and Grassy Narrows Bands lost commercial fishing and guiding opportunities, the principal employment and income opportunities; and, in addition, suffered the shutdown of a traditionally important source of food. In the aftermath, rates of violent crime and alcoholism increased -- the result of the rage and frustration people experienced when faced with the damage to their environment, their lives and their bodies. In the words of one group, *"Mercury has robbed us of our health, and our psychological well-being, our lifestyles, our jobs and our food."*

Even when there is less out-and-out damage, problems occur in native communities when road development, commercial logging and hydro-electric dam construction leave them without their traditional land base of operations and destroy their ability to provide at least a subsistence-level existence for themselves and their families.

How then can we meet the needs of people who live in the north by ensuring that they are protected against further harm resulting from development and yet still maintain a healthy resource-based economy in the region? We begin examining those questions by focusing on the largest single element in the north: water.

WATER: THE MAJOR RESOURCE

Water, after all, is the most precious element, the prime requisite of life. You can live without any one of the so called necessities of life but you cannot live without water. Water will increasingly determine where growth takes place and the economic dynamics of the province. It is a resource we cannot squander. It is the key to transportation, energy, industrial production and sanitation. In the north, natural watercourses are important to day-to-day living. Water is the north's only highway network: snowmobiles, tractor trains and ski-equipped aircraft use the frozen lakes and streams of winter to forge the principal social and commercial linkage between communities. In summer, small boats and float-equipped planes use those same waterways. All year long the northern lakes, rivers and their shorelines are a vital food warehouse, without which many families would go hungry.

Despite the tragedy of the Wabigoon/English/Winnipeg system it is still possible to prevent damage to much of the water of northern Ontario. In order to do so, however, there must be widespread awareness that most uses of the land, especially in the north, will have some consequences for the quality of the water, particularly for the freshwater storehouse that is Ontario north of 50.

Five major rivers drain into the Arctic watershed: the Severn, Winisk, Attawapiskat, Albany and Moose rivers; the flow of these waters is approximately 5,000 cubic metres per second, which is slightly greater than the annual run-off from the Ontario section of the Great Lakes, the Upper St. Lawrence and Ottawa River systems combined. In addition to mighty rivers, the landscape of the north is laced by thousands of lakes and endless tracts of water-logged muskeg.

All human uses of water affect the environment in varying degrees. Consider, for example, the impact of hydro-electric development and water diversion on the north. The continental surge of economic growth in the 1960's and '70's led to a rapid increase in energy demands, peaking in the late 1970's; the development of more sophisticated commercial and consumer products which use electricity has kept demand for hydro elevated, though it has stopped growing, in part because of higher costs and in part because of a new awareness of energy conservation in all its forms.

Ontario Hydro has identified a number of sites for development when and if energy demands require increased generating capacity. Among them are locations on the Albany, the Attawapiskat, the English, the Little Jackfish, the Moose, the

Severn and the Winisk Rivers. Damming these rivers which mainly flow through the lowlands could cause disastrous flooding effects on the land and wildlife of every form. (Such plans are now shelved, however, and there have been proposals for making some of the areas into provincial parks.)

Certainly, the people who have had experience with hydro projects are critical of how they have been handled. A submission from the Lac Seul Anishnabeg Band in 1983 recalled that, "As a result of the construction of the Ear Falls hydro dam, the people of Lac Seul lost lands, resources and part of their economic base -- sacrificed so that others could benefit. To make things even worse, a traditional burial ground was flooded, leading to the uncovering of graves and the bones of our ancestors. Those bones remain as a silent, harsh reproach, a stain on the honour of those who failed to make provision for them."

Willis McKay, Chief of the Matagami Band, speaking at a Timmins hearing described a similar situation: "When the people (of the Matagami Reserve) first moved to the reserve ... the only development taking place was the construction of two dams on the Matagami River. The land became flooded, and just like Lac Seul, the burial grounds were covered ... We ourselves did not receive electricity for another 50 years. With the great loss of wildlife, livelihood, culture and traditions, our people began in despair to turn to alcohol."

Whenever, or if ever, Ontario Hydro -- which, after all, is owned by all of us -- has reason to seek further development in the north, it will have a special burden of proof regarding its ability to respect the resources, the environment and, most of all, the people of the north.

In addition to hydro-electric potential, water-impooverished regions to the south (severe shortages in both the U.S. and Canada are expected before the end of the century) are increasingly interested in obtaining water for local consumption. In the U.S., the Ogallala Aquifer, the underground water reserve which currently supplies the American mid- and southwestern regions, is being pumped at a much greater rate than it is being replenished. Many farmers in the Texas Panhandle and west-central Kansas are reverting to dryland farming because of the increasing costs of irrigation-system maintenance.

A proposed method of increasing supplies is to pump water out of the Great Lakes at a higher rate. However, if more is removed than can be replaced by snow and rain, the original volumes left by glaciation will be undermined and levels will drop permanently. Officials of the Ministry of Natural Resources estimate that a half-centimetre drop in water levels in the shipping channels would cost industry millions in lost business; every 15-centimetre drop would cost Ontario Hydro approximately \$20 million annually in lost production; tourism revenues would suffer as the price for providing recreational facilities (e.g., dredging, dock extensions) increased.

Another proposal would be to divert water from northern Ontario into the Great Lakes. In the 1940's, a diversion was built on the Albany River to take water down into Lake Nipigon, which drains into Lake Superior. Since then two other water transfers have been developed, one at Lac St. Joseph, diverting Albany river water into the Lake Winnipeg system, and one at Long Lac, which also transfers part of the headwaters of the Albany river into Lake Superior. With increasing concern expressed by politicians on the Canadian prairies and from the United States, the pressure for more diversions is ever present. There is some consolation with respect to the Great Lakes waters however, in that while Ontario has jurisdiction over the northern half -- all of the eight American states, many of large populations, which have jurisdiction over various parts of the southern half as well as all of Lake Michigan have already demonstrated their joint alarm over any diversion considerations.

As much as the growth, strength and power of Ontario has risen through its wealth of water resources, the future development and growth will fix and depend on the same needs, while supporting continued population growth in unlimited numbers. Our natural fresh water heritage was placed here for good reason. No short-term government can presume to have the right or authority to sell or divert our water before it has run its natural course within the province without obtaining the people's specific consensus. It is the soul of Ontario, here to be used and to build around, not ever to be sold for other people's preferences. That is not to say we will not be pressured to sell and divert, for we already are called to participate in discussions. We can, however, remain resolute and firmly resolve to preserve the birthright of future generations against all pressures.

A scheme known as the GRAND Canal Project involves blocking off James Bay and separating it from Hudson Bay to the north through a system of dikes or causeways extending from the Ontario to the Quebec shoreline. James Bay would thus be turned into a freshwater lake and this freshwater could then be transferred southward through a series of stepped reservoirs, canals and natural watercourses to the Great Lakes and routed to the Canadian West and the U.S. Midwest. The social and environmental implications and economic costs of developing and maintaining such a project could be enormous. However, benefits other than increased water supply such as employment, saleable power surpluses and new agricultural and industrial production could offset some of these costs.

The inter-connectedness of the northern environment is all too evident when considering how water resource development schemes can adversely affect every aspect of life in the region. For example, economic costs, in addition to the loss of food-gathering, recreational and commercial fishing, can include: a depletion in saleable timber; the social and emotional trauma and dollar costs associated with breaking up and moving communities; the loss of subsistence trapping and hunting opportunities that would limit traditional native food and income sources.

In addition, the sudden appearance of an access road through a reserve and an influx of the construction workers employed on these projects has a history of causing a deterioration of local social and cultural values and result in increased rates of alcoholism, violence and family breakdown.

WATER AND TREES

While water is a key element to life north of 50, it is the presence of trees which promotes forestry and the forest products industry. It is a leading employer and an underpinning of the northern economy, a major shipper and exporter, and the province's fifth-largest manufacturing sector. While I deal extensively with the forest resource in a separate chapter, I wish to discuss here certain impacts of industrial use of the northern forest.

Today, despite highly competitive economic conditions, forest management agreements between the industry and the provincial Government (through the Ministry of Natural Resources) are being signed at an increasing rate. Much of the land north of the 50th to the 51st parallel and even beyond is held largely under the control of companies as a future warehouse of merchantable timber. Here, native groups have become alarmed and critical, basing their views on their all-too-common experiences. The 1983 submission of the Armstrong Metis Association stated vividly: *"The forests to the south of here have been consumed, and now the beast with the endless appetite for trees turns our way. Soon we will be left with a prairie of stumps and slash."*

The presentation of Chief Thomas Fiddler and James Stevens, quoted from at the beginning of this chapter, also contains a devastating description of historical forest operations: *"The felling and consequent devastation of the hardwood forest in southern Ontario in the 19th century has, apparently, provided few lessons for foresters of the 20th century. In northern Ontario the first three decades saw the effective demise of the great white pine. A 'renewable resource' in the fantasy-land jargon of foresters was gone from sustainable productivity and this tree appears to have been deleted from consideration in the future."*

In addition to the environmental costs of cutting discussed in a later chapter, there are problems associated with pulp-mill effluents (e.g., waste materials). These effluents include organic materials which cause massive increases in algae growth and asphyxiation of other organisms; suspended solids which affect watercourses in a manner similar to sedimentation and that smother vegetation, small invertebrates and fish eggs; and dissolved metals, used in pulp manufacturing, which can be permanently damaging to various organisms.

Overall, the effects of water pollution lead to a reduction in the amount of solar energy in the ecosystem, to interference with photosynthesis, to the presence of nutrients which stimulate growth rates of undesirable species, possibly displacing more desirable ones, to sedimentation and a resultant reduction of

useful nutrients, and to toxicity resulting in the endangerment or disappearance of species.

Other effects include potential hazards to human health, lost recreational opportunities and lower aesthetic (and, therefore, recreational) values. Economically, lost opportunities on one hand lead to expensive corrective measures on the other.

Because of its land requirements and sorry environmental record, the forest products industry must be monitored carefully if future catastrophes are to be averted. Present legislative controls can be applied, including the Environmental Protection Act, the Environmental Assessment Act and the Ontario Water Resources Act; federal legislation in this field includes the Fisheries Act. However, the administration and application of these laws will have to be strengthened to ensure the citizens of Ontario effective guarantees for the protection of their natural heritage.

In addition to environmental damage associated with effluent and with cutting practices, there are problems caused by the pesticides and herbicides used in the ongoing war against weeds and non-commercial tree species, as well as in attempts by the forest industries and the Ministry of Natural Resources to prevent infestation of commercial species by pests such as the budworm.

The three most common chemicals used in northern Ontario for these purposes are Sevin, Matacil and the Phenoxy-herbicide 2,4 D; all registered for use with Agriculture Canada under the Pest Control Products Act. Though research on their effects was conducted before each was registered, little can be said with certainty about their long-term safety and cumulative or synergistic effects. Continued budworm infestation and the increasing use of forests north of 50 for commercial purposes, have led to proposals for large-scale aerial spraying of fenetrithion and matacil in conjunction with bacillus thuringiensis (Bt).

Research has indicated that bacillus thuringiensis is a safe insecticide for use against the spruce budworm in infested parts of northern forests. For this reason, I applaud the recent decision of the Ministry of Natural Resources to use Bt alone, and not the chemical pesticides listed above, on approximately 215,000 hectares of northwestern and northeastern forests. Bt is, in the words of the Minister of Natural Resources, the "... insecticide which is the most acceptable from an environmental standpoint". In addition, I welcome the treatment of 30,000 hectares by use of concentrated logging and salvaging operations. Widespread and indiscriminate use of chemical pesticides and insecticides must not be encouraged, unless we are convinced that such chemical methods are the only alternative.

MINES

Now I turn to the environmental consequences of mining, which are not yet fully understood and which, therefore, must also be

subject to rigorous scrutiny in order to prevent environmental damage.

The effluents produced in recovering valuable minerals from ore contain a wide range of chemical properties and vary greatly in toxicity. Many mining and milling operations involve the use of reagents which modify the properties of minerals. Some of these reagents do not break down easily when treated while others are chemically volatile and either break down naturally in a tailings area or can be broken down by chemical processes. Controlling or containing stable chemicals is essential to the protection of the environment. Some can be recovered and recycled, others must be treated as toxic wastes.

In addition to the reagent chemicals, mining and milling also produces pollutants which, if released, act upon the environment in a manner similar to certain by-products of the pulp and paper industry (e.g., sediment, dissolved metals, and acids). Despite the similarities, the mining industry's use of controlled tailing disposal areas (contained and controlled by dykes), aeration, neutralization and sedimentation processes appears to have given it better environmental control over effluents than has been achieved by the forestry products industry.

Nonetheless, accidents do happen when toxic wastes are discharged into the water. Some operators, such as the Griffith Mine near Ear Falls, have constructed a system of discharge control which removes sedimentation and dictates the release of clarified water, as well as the installation of scrubbers in the stacks.

Other environmental consequences of mining are controlled through pre-operational planning: erosion, for example, is a common problem, though easily avoided by seeding, since mines involve relatively small areas of exposed soil.

The abandonment of mine and mill facilities can cause long-term environmental harm unless orderly decommissioning of the project is included in pre-operational development plans. Abandoned and neglected tailing ponds can break down and discharge toxic effluents into local waterways.

A further environmental impact resulting from a new mine and mill project is the development of access roads and of power transmission facilities needed to provide large quantities of electric power.

The impact of powerline construction initially can involve the interruption of wildlife habitats and migration routes. Remote operations using fossil fuels, for which power must be generated on-site, increases the likelihood of environmental damage.

Private mining projects, of course, are not currently subject to the provisions of the Environmental Assessment Act but, as I have recommended, they should be assessed in the same way as all other developments in the north.

ACID PRECIPITATION

Having examined the environmental impacts associated with the resource industries of the north, I must comment on acid precipitation, a serious pollutant being produced in -- and damaging to -- most of the North American continent.

Because of the known effect on waterways, and international research warning of the detrimental impact on forests and wildlife, acid precipitation has become a potential problem for the north. Ontario's Ministry of the Environment estimates that the area north of 50 contains approximately 60,000 lakes of significant size. Bodies of water on granite or quartzite geological formations have very little neutralizing capability compared to those based on limestone; some 20 per cent of the north's lakes, those found atop the granite and quartzite-based Precambrian Shield, are therefore especially vulnerable to acidification.

Until recently, there was relatively little monitoring and data collection on lakes and rivers north of 50; it does seem likely that they are not in the same immediate danger as those lying further south. The north's prevailing weather patterns, from west and north, do not carry the acid originating in the highly industrialized regions of Southern Canada and the midwestern United States -- the source of much of the problem.

Nonetheless, estimates based on random measurements conducted in Precambrian Shield lakes north of 50 indicate that the majority receive precipitation acidic enough to be lethal to certain types of fish eggs, insect larvae and bacterial species and to alter the normal spawning patterns of the flathead minnow. A further increase of acidity, even a slight one, would be sufficient to reduce the populations of trout species.

It appears a great deal of research into acid precipitation and its effect on water bodies and fish has been accomplished. I am concerned, however, that little qualitative, sophisticated research has been done on its effects on forests and wildlife, particularly in northern Ontario. While limited research on maple dieback has been carried out, a larger-scale qualitative research program is necessary at this time.

Obviously, industry must have raw materials, supplies, water and energy power, and its functions cause waste materials, contaminated water and air emissions. Man needs food, water, heat and transportation; but his actions produce contaminated water waste, garbage and vehicle exhaust pollutants. It should be noted that motor vehicle exhaust accounts for more than half of all air pollutants discharged in Ontario. In some areas, motor vehicles contribute more than 85 per cent of the air pollution recorded in urban streets, and therefore make a substantial contribution to acid precipitation.

3.33 Recommendation:

That the Government of Ontario become directly associated with international research efforts and undertake increased research into the effects of acid precipitation on the forests, game, waterfowl and wildlife of northern Ontario (particularly on all species believed to be affected by such precipitation).

ENVIRONMENTAL LEGISLATION

The complex problems of monitoring and controlling pollution are dealt with in Ontario under the Environmental Protection Act, the Ontario Water Resources Act and other related legislation and regulations. Let us now turn to an examination of the legislation, its application and related concerns expressed to the Commission.

Section 13(1) of the Environmental Protection Act states:

"Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge a contaminant or cause or permit the deposit, addition, emission or discharge of a contaminant into the natural environment that,

- 1) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;*
- 2) causes or is likely to cause injury or damage to property or to plant or animal life;*
- 3) causes or is likely to cause harm or material discomfort to any person;*
- 4) adversely affects or is likely to adversely affect the health of any person;*
- 5) impairs or is likely to impair the safety of any person;*
or
- 6) renders or is likely to render any property or plant or animal life unfit for use by man."*

Section 14 of the Ontario Water Resources Act says that *"... the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water."*

Because no water quality regulations have been passed under the EPA or OWRA, the general prohibitions described above provide

the legal basis for determining the need for control orders and other abatement procedures. Prohibitions are guided by the non-legislated provincial water quality objectives and guidelines developed by the Ministry of the Environment as set out in Water Management: Goals, Policies, Objectives and Implementation Procedures (November, 1978) of the Ministry of the Environment. (Specific guidelines also have been issued for the mining industry.)

The document contains guidelines for drinking-water quality standards, criteria for the discharge of toxic substances, discharge or emission limits (generally expressed in terms of loadings intended to achieve ambient quality objectives) and specific technology requirements, as well as listings and descriptions of controlled toxic substances.

There are indications that the Ministry of the Environment's efforts and programs and its Water Resources Branch have contributed to the general improvement of environmental quality in Ontario. Moreover, because industry is usually willing to play by the rules as long as it knows what they are, environmental regulations have brought increased investment, productivity and efficiency to Ontario industry.

Nonetheless, criticisms of the applicability and practicality of the legislation come from both industry and environmental groups. Industry's views can best be summarized as a desire to reduce environmental restrictions in order to make northern investment more attractive, especially because projects in the north are expensive to develop. Furthermore, they would argue, the north is distant from major population centres, is less populated and, therefore, less likely to suffer environmental catastrophes involving large numbers of people.

The financial cost of installing pollution abatement or control measures in long established industries could, on occasion, be substantial, to the point of requiring replacement of the facility and therefore result in employee cutbacks and financial pressures leading to company shutdowns. Furthermore, additional costs which must be passed on to the consumer, could further decrease the competitive edge of Ontario resources and resource products in the international marketplace. These costs require in-depth research and political consideration before final decisions are made.

Certainly, pollution abatement or control measures can be expensive, especially for industries which must modernize existing processes. There is little doubt that consumers ultimately pay for the improvements but some abatement technology or techniques actually improve economic efficiency.

Despite the appearance of stringent control in the two Acts, the system has pitfalls which environmental groups, in particular, criticize as dampening to effective and successful use of the legislation against polluters. One complaint is that there is an economic incentive to pollute: in cases where the costs of abatement or control are high, violators find that continued

polluting makes economic sense because it is less expensive to pay fines than to comply with control orders.

3.34 Recommendation:

That fines levied on offenders of environmental legislation be increased to a maximum level greater than or equal to the costs of abatement, to the extent possible.

3.35 Recommendation:

That a large portion of the monies collected from environmental prosecution and fines be allocated to the local area impacted by the pollution, to be spent according to needs determined by local residents.

3.36 Recommendation:

That the Ministry of the Environment increase its environmental detection and enforcement staff, some of whom should specialize in the detecting and enforcement of particular pollutants and should not be tied to regional offices.

From the time a control order under the Environmental Protection Act is issued up to the final deadline for compliance, the violator cannot be prosecuted further for the offence, thus permitting him or her to continue polluting. Furthermore, the deadline can be appealed, based on factors beyond the violator's control (for example, a strike, delays in delivery or financial hardship.)

It is difficult to charge polluters in cases where no single source of pollution can be identified, making prosecution of potentially dangerous multi-source pollution even more difficult than that of single-source pollution.

There is a lack of funds to gather needed scientific data on new or little-known substances, on long-term effects at low levels, and on the cumulative and combined effects of contaminants on the biological and geological characteristics of the north. Inadequate information often results in an absence of regulatory action because of uncertainty about the probable success of prosecutions.

3.37 Recommendation:

That the Government of Ontario provide additional funding for scientific research to improve on the Ontario Water Management Objectives and allow for better documentation on the environmental effects of new and little known substances.

3.38 Recommendation:

That the Water Management Objectives be enacted as regulations and enable prosecution for violation of the regulations.

3.39 Recommendation:

That more funding be committed toward expansion of knowledge and expertise in the field of abatement technology.

In most cases of existing pollution, determining the need for abatement and setting deadlines for compliance are negotiated, case by case, between the Ministry of the Environment and the violator. This approach, which relies on subjective interpretation of the water management objectives, often results in abatement requirements with greater discharge limits than those set out in the objectives.

Neither the Environmental Protection Act nor the Ontario Water Resources Act allow for formal public input into the decision-making process. Furthermore, public and industry representation is limited in determining or amending the Water Management Objectives. Here, as recommended in relation to the Environmental Assessment Act, increased public accountability and a more democratic decision-making process would significantly improve the implementation of enforcement measures.

3.40 Recommendation:

That public and industry input into the decision-making process be increased in the EPA and OWRA especially at the stages of establishing environmental protection regulations, (e.g., standard-setting) and developing project-specific abatement requirements (e.g., control order process).

COMPENSATION

It is often difficult to place a dollar value on the damage done to those who suffer as a result of pollution, to compensate them adequately for loss of life, health or economic opportunities. In addition, adequate compensation measures are not always provided for in a control order or conviction. The best example of how the system failed in this regard is Reed Paper's contamination of the Wabigoon/English/Winnipeg river system. To date, full compensation has not been paid by industry, though 15 years have passed since the issue arose. The provincial or federal Governments have been slow to resolve the situation: responsibility for Indians rests with the federal Government, while the prosecution of polluters is under provincial jurisdiction. The fact remains that the people affected are Ontarians.

3.41 Recommendation:

That, to assure the payment of compensation in cases where environmental damage results in loss of health or socioeconomic opportunities for local residents, it is recommended that:

- 1) clear jurisdictional responsibilities be established between the federal and provincial Governments regarding Indian claimants;**

- 2) funds be made available to those members of the public requiring financial assistance where legal action is required to obtain or recover compensation payments due as a result of environmental damage;
- 3) the provincial and federal Governments confer on quantitative and qualitative methods for determining the financial equivalent of damage caused to the physical, social and economic environment as a result of violations of environmental legislation and regulation;
- 4) enforceable regulations be established to determine the time frame in which a violator is obligated to pay the compensation in full.

These recommendations would, I hope, assist in the fair enforcement and regulation of industry and government. Though the goal of the EPA and OWRA is protection of the environment, legal fees and other costs sustained by industry and government in the process of prosecution divert financial resources from pollution prevention. Because of the adversarial nature of the regulatory process, development proponents are motivated to challenge the system and to obey the minimum letter of the law rather than its overall intention. Moreover, we must be aware that the Environmental Protection Act and the Ontario Water Resources Act apply only when harm has already occurred.

I believe that the Environmental Assessment Act is ideally suited to meet some of these objections and to be used as a preventive control, if it were applied to all proposed projects or developments with potentially significant environmental impacts. As a planning device, the EAA requires proponents to submit designs of proposed projects or expansions and to include in the environment assessment document their provisions for the prevention or mitigation of effluent discharges. Mitigating measures include installation of pollution-abatement equipment, alteration of production processes or location of the project in a less environmentally-sensitive area.

As I have recommended (3.27), if it is to fulfill its potential for improving Ontario's environment, the Environmental Assessment Act must apply to private-sector undertakings. I am convinced that legislation is more effective when it is universally applied. It is better, as well, to have laws which prevent damage rather than apply penalties on the basis of what has already occurred. However, I remain sensitive to the reality of additional administrative costs to be borne by government and the sometimes needless delays which would be suffered by industry and public agencies if the EAA were applied to any development; therefore, the Commission has considered alternative mechanisms.

First, proponents must make maximum use of the financial incentives already available for compensation of costs incurred in installing pollution control technology; recently, the federal Government offered two such programs. The Accelerated Capital Cost Allowance Program, administered by Environment Canada, permits an eligible firm to write off, for income tax purposes,

the total equipment or installation costs of processes primarily intended to control air or water pollution. (Allowable expenditures include the cost of prevention, reduction or elimination of pollution.)

The second is the Development and Demonstration Resource and Energy Conservation Technology Program, also under Environment Canada, which covers as much as half the total estimated cost of an approved project designed to recover or recycle wastes.

I readily support these, or similar, programs.

There are other avenues which should be explored as potentially useful models for improving pollution control outside the regulatory process. For example, the use of contracts between government and proponents is emerging to cover mutually acceptable terms and conditions for industrial projects where pollution and control of it are key to the project's economic viability. I have already discussed the use of contracts for development purposes in Chapter 2.

The flexibility inherent in a negotiated agreement allows for terms suitable to parties, including terms for remedying a breach of contract (usually by way of damages and compensation). Another term could require the developer to post a bond to guarantee partial or full compensation in the event a breach occurs. It also might be possible to include a clause which prohibits the discharge of pollutants (similar to a stop order), or lower the level of allowable discharge.

Advantages to government in this type of contract are clear. Not only does it reduce the problems inherent in the adversarial approach, it also encourages compliance and cuts administrative and legal costs. Advantages to industry are equally clear. Lengthy and often costly delays which prevent development are averted by avoiding a needlessly long approval process. Furthermore, prosecution is less likely when the document is the result of negotiation.

Throughout such a process, the two participants must be aware of the presence of a third party with a legitimate interest: the public. In order to ensure their rights, contractual terms have to accommodate public involvement through a pre-approval process, and such terms must be part of any enabling legislation in regard to contracts of this type. It would also be necessary to provide a method by which a contract could be rescinded if it were determined that public objections to its terms were valid.

While I cannot conceive that the contractual process would be practicable on all projects, particularly those with potentially wide-ranging and severe environmental implications, the contract approach might initially be applied to projects of a minor nature which are nonetheless subject to the Environmental Assessment Act. Successful negotiation of such a contract could lead to exemption from environmental assessment.

It might be possible to build a contract model into the existing Ontario Water Resources Act and the Environmental Protection Act instead of negotiating terms of a control order with a violator. In other words, at least as a start, the identification of a pollution violation could be the beginning of contract negotiations; it could be more productive to enter into such negotiations and to continue them as a form of compliance, rather than operate from an adversarial position.

Much work remains to be done in formulating a contract agreement system appropriate for environmental protection purposes. Models proposed in other jurisdictions indicate they could be useful in Ontario. Certainly, any concept which holds the possibility of benefits for industry, government and the public while, at the same time, improving environmental protection, deserves careful consideration.

The three resources — trees, water, minerals — and the industries they have spawned — forest products and mining — are all necessary components of the economy and the social fabric of Ontario. The three laws — The Environmental Assessment Act, the Environmental Protection Act and the Ontario Water Resources Act — have been established and used in order to protect the resources, the industries and, most importantly, the people of this province.

As I have made clear, I find them, in the main, to be well considered and carefully drafted laws. They suffer — and will suffer more and more in the future — from the inevitable passage of time, the acquisition of new information and the emergence of changing attitudes. All three laws require streamlining, whether through alteration of specific provisions, or through the design and passage of other pieces of legislation. It is in precisely this context that I offer the recommendations which flow from this portion of my report.





THE INDIAN PEOPLE IN THE NORTH OF ONTARIO

Following the approach taken in Canada's Constitution, the term "Indian" is used in this report to refer to status and non-status Indians as well as Metis. I also want to state clearly that all recommendations dealing with Indians and their communities apply to all three groups.

The concept of "status" resulted when treaties specified those entitled to benefits. Later evolution under the Indian Act tightened and restricted status to band membership and descent from a status male. Native people whose ancestors for one reason or another were not included in the treaties became "non-status" Indians. Lack of special status also plagues the Metis people who are of Indian heritage but who, by their own admission, are not full-blooded Indians.

While a person may be denied status under the terms of the Indian Act, if he or she possesses sufficient racial and cultural characteristics to be termed a "native person", he or she will be considered an Indian within the meaning of the British North America Act. This means the person - like status Indian - would be within the legislative jurisdiction of the federal Government. It is important to stress that it appears that native rights are derived, and should be derived, from one's racial and cultural origins, not solely from the provisions of the Indian Act. Thus, for the purposes of this report, all three groups are treated as equal recipients of the recommendations made.

People are the greatest resource of any nation and, in the area north of 50, the majority of the population are Indians — a people with their own distinct culture, outlook, abilities and needs.

I count myself among those relatively few "white men" who have had on-going contact with the native people throughout my lifetime. For this reason, I feel justified in emphasizing the care and attention required in order to grasp the subtleties of their unique and gentle culture.

In 1934-35, travelling into the northern homeland of Ontario's native people, I visited reserves and settlements in Pikangikum, Sandy Lake, Osnaburgh, Big Trout, Sachigo and as far north as Sutton Lake below the shoreline of Hudson Bay. I was memorably struck by the character of these people: friendly, honest, independent, proud, modest, impassioned, self-sufficient and religious. On meeting their chiefs and elders one sensed a mannerly aristocracy of wisdom, poise, compassion and pride.

In contrast to the contented and self-sufficient people I observed during my first forays into native settlements some 50 years ago, my most recent visits to their communities have shown me the deterioration in their lifestyle and the stark realities of their present day existence. Most Indians in the north now live in bitter confusion over the existing autocracy which has determined their present and continues to govern their future.

The people reflect on their historic self-sufficiency and independence since time immemorial and abhor present conditions under government's full control. They feel injured. They resent suggestions they are living off the Canadian taxpayer without contributing their share to society. They are affronted by the measures of hypocritical charity, welfare and pity directed to them. As noted elsewhere in this report, the income of Indian families still lags dramatically behind that of non-natives. It is not humanitarian to think unearned favors replace the reward of and the right to gainful employment. I find Ontario's northerners resolved to surmount oppression and prejudice, and determined to regain the spirit of self-sufficiency, self-respect and human dignity which still flows in their veins.

If we are to understand our native people as they are today, along with their aims for the future, we must look at the past that shaped them. While their culture appears foreign to those of us who are the product of another world, in fact, it is a culture based in practicality -- the need for all people to eat, to learn, to contribute and to utilize their own unique skills. Once examined, Indian culture appears not as an outmoded way of life but perhaps as a philosophy which in large part should be emulated and perpetuated.

I find the traditional culture and history of the original people of Ontario north of 50 comparable to a great composition of music. I believe no one can express an opinion or interpret the beauty, the spirit or identifying character of it all without fully understanding how it was composed. The search for such an understanding has been my own greatest challenge as Commissioner.

I was cautioned on my first Commission trip through the north by a cultured, educated and thinking man of native birth to move slowly toward an understanding of the lifeways, customs and culture of northern people -- particularly those of Ontario's original inhabitants. Repeatedly I was reminded I must grasp the meaning of the land and of being "people of nature" whose learning and wisdom expanded and developed by wholly existing with the land and its bounty.

In the presentation of Indian history and culture that follows, I offer you the same caution -- take the time to grasp the lifeways, attitudes and perceptions of our original people.

It is my hope that, within each reader, a new awareness and understanding will be created regarding the current frustrations which now plague these proud and once independent people.

HISTORICAL BACKGROUND

(The reader is referred to "People North of 50°: In Quest of Understanding" for a more detailed account of native culture and history.)

In many ways the northern portion of Ontario is a harsh and often inhospitable environment. Yet native North Americans have survived in that environment for approximately 8,000 years. The

environment determined their basic patterns of existence and shaped their material and non-material culture - their values, attitudes, customs and beliefs. They survived by adapting themselves to the environment and obeying its laws.

With a few seasonal exceptions, the resources necessary to sustain human existence are sparse and widely scattered in the boreal forest - only an estimated 10 per cent of the entire landscape produces food resources for humans. The resource base thus precluded a large, sedentary population and the people of the boreal forest lived in small nomadic family bands. Studies have indicated that approximately 57 square kilometres were required to sustain one person. Throughout the course of a year, a band might wander throughout an area spanning almost 2,600 square kilometres.

In the spring, after break-up, the bands moved from their wintering areas toward larger lakes which were the focal point for the activities of a number of bands during the early part of the summer. But by August, this relative "concentration" of population would begin to disperse in order that each band could reach its wintering territory before freeze-up.

Winter severely tested the survival skills and abilities of band members. Many are the winters documented in trading post journals when the best hunters failed in their pursuit ... or failed to return; on occasion, entire bands disappeared. It is no wonder a person's age was calculated in terms of the number of winters they had survived. Occupying almost all of their time, survival provided the central meaning, purpose, motivation and goals of life as well as the criterion by which decisions were made and the standard by which all things were judged.

This point is made by J. Carver in his publication, Travels Through the Interior Parts of North America in the Years 1766, 67 and 68: "*They show . . . indifference for the production of art. When any of these are shown them, they say, "It is pretty, I like to look at it," but are not inquisitive about the construction of it, neither can they form proper conceptions of its use. But if you tell them of a person who is able to run with great agility, that is well skilled in hunting, can direct with unerring aim a gun, or bend with ease a bow, that can dextrously work a canoe, understands the art of war, is acquainted with the situation of a country, and can make his way without a guide, through an immense forest, subsisting during this on a small quantity of provisions, they are in raptures; they listen with great attention . . . and bestow the highest commendations on the hero of it.*"

A band was composed of 20 to 30 individuals who formed an extended family related through the male line and was a tightly-knit, autonomous and self-sufficient social and economic unit. Individual survival depended on the band and the band's survival depended on the skills and contribution of each and every member. The individual and the band were of equal importance since neither could survive without the other.

While the white man continued through centuries of struggle as various segments fought for a sense of equality, the Indian population continued on as ever -- as a race of true equals. Just as they believed that land and air and the substance of life are to be lived with by all and owned by none, they also recognized that there are many points of view, each unique and all relevant.

Consensus, not government or externally imposed rules, was the guiding force. No one could be forced to help or participate; no compulsory laws placed them under any restrictions. As J. Carver noted in his travels during the 1760's: "... If violence is committed, or blood is shed, the right of avenging these misdemeanours are left to the family of the injured; the chief assumes neither the power of inflicting or moderating the punishment. Each family has a right to appoint one of its chiefs to be an assistant to the principal chief ... (and to watch) over the interest of ... (the family), and without whose consent nothing of a public nature can be carried into execution ..."

Issues of common interest were discussed by all band members. Seated in a circle, hours -- sometimes days -- were spent as each member presented a point of view. An elder would then articulate what had been put forward with the result that each person, having heard the same logic and conclusions, went forth governed by the same conclusions arrived at by the same accumulation of experience. Control of the group was maintained through the self-control of each individual who was autonomous.

This philosophy of balance governed all aspects of their lives. Just as one didn't abuse nature by taking more resources than was necessary, one gave and received of nature's bounty equally. Those who were less proficient in gathering had a right to expect a share of the successful hunter's catch.

Just as custom and common philosophy were strong, unifying bonds, the existence of the band provided its members with the only firm emotional and intellectual relationships. Only fellow band members could be trusted because they were the only people the individual thoroughly knew and, because of the importance placed on personal knowledge, there would always be a latent distrust of all other people.

This concern for one another -- which I have always admired -- was part of native culture from the beginning. When a man died, the welfare of the widow and children became the responsibility of one of his brothers since the children were of the same clan. And, certainly, the deep respect shown their elders is, I believe, a legendary and well-known facet of the Indian culture. An elder was respected because he or she had demonstrated the merit of their skills and knowledge by their length of survival; and, in a more emotional sense, grandparents in the boreal forest had a special family role. With the parents and older children often away from camp, grandparents became the central figures in the lives of young children. They were the ones who had the time to make toys, tell stories and begin showing the small child how to do things. Because of this early training

from grandparents, generations were tightly interlocked as was the transmission of culture.

The Indian's main tool for survival -- attentiveness -- was developed from birth. The "tikinagan" or cradleboard is an ingenious device for carrying an infant while keeping one's hands free and keeping him or her secure and in view while one is fully occupied doing something else. It may be leaned securely between a rib and thwart of a canoe, against a tree or hung from a limb. In all cases, the child is in a vertical position as are all other humans and can be present at all activities. A child spent an estimated six hours a day in a tikinagan until he or she was about two years old. Laced firmly into a pouch with or without the board, the child learned stillness, concentration -- and to sharpen his hearing and eyesight. Thus began a prodigious keen store of personal experience or knowledge (i.e. memory) and the habit of attentiveness, which would become his or her main tool for survival.

This was well recognized by J. Carver in 1768, when he wrote: *"The Indians discover an amazing sagacity, and acquire with the greatest readiness, anything that depends upon the attention of mind. By experience and acute observation, they attain many perfections to which Europeans are strangers. They are indebted for these talents, not only to nature, but to any extraordinary command of the intellectual faculties, which can only be acquired by an unremitted attention, and by long experience."*

Ontario's original northerners are a people whose relationship with the land began when they were created from it, forming a connection of mystical and practical meaning that embodies their attitudes and viewpoint of life. Their knowledge and instincts reflect the perfected patterns on how to survive 365 days of the year by foraging and originate through a most demanding, applied learning process with the tenet of being attentive to all and everything that occurs or moves about you.

THE FUR TRADE: CA. 1600 to 1867

It is not surprising that reactions of distrust, puzzlement, and fear arose on both sides as the whiteman from the south took his first hesitant steps into the Indian world north of 50. The clash of cultures appears inevitable when one compares the precepts upon which both cultures arose and functioned:

- 1) A belief in living harmoniously with nature has determined much of the Indian lifestyle and subsistence pursuits, while Euro-Canadians have based their survival, in large part, on harnessing and dominating the forces of nature.
- 2) As a nomadic people who have survived through the proficiency of their gathering skills and the availability of nature's bounty, Indians are accustomed to accepting life as it comes each day,

whereas Euro-Canadians tend to think in terms of building and investing for the future.

- 3) Where life in a band demands co-operation and group achievement on the part of Indians, Euro-Canadians instill a sense of competitiveness and individual success in their culture.
- 4) Believing that nature is shared by all and owned by none, Indians tend to think in terms of stewardship of land, whereas Euro-Canadian culture works on the basis of ownership of land.
- 5) Indian people tend to value anonymity and submissiveness while Euro-Canadian culture encourages individuality and aggressiveness.

And yet, through both cultures' practice and need of trade arrangements, Indian and white people began business dealings which, in the end, precipitated the demise of the Indian culture via its submersion in the ever-changing and ever-expanding white man's world.

The first European explorers and traders actually stepped into and participated in a well-established system of exchange which criss-crossed the entire North American continent. A vast network of trade in commodities and hand-manufactured items had already been established by the Indians.

Fur trade history generally fails to take into account that while the Indians eagerly participated in the white man's system, they continued to carry on trade among themselves. White traders and goods merely expanded the type and quantity of products available. What the establishment of permanent posts did do however, was to offer a source of food which could be fallen back on in winter and also introduced a new element into the trade — the exchange of labor for the white man's goods. Indians acted as guides, performed agricultural work, supplied food, clothing and equipment to personnel at posts, and acted as runners in winter to bring in furs.

In spite of the changes in native material culture brought about by their adoption of the white man's goods, the fur trade did not have near the impact on boreal lifeways as is generally supposed. Until well into the present century, people lived in the same way they always had, selecting from the manufactured goods available only those of use for survival. A nomadic existence did not permit the accumulation of non-utilitarian goods.

Of far greater importance to the Indian people than the effects of white material culture were the social disruptions, cultural discontinuities and geographical dislocations caused by: the disastrous effects of European diseases spread via the trade routes, carried by natives and whites alike; warfare between whites and natives, natives and natives, (e.g., incursions by the Sioux into the area north of 50), the French and English;

expanding populations of white settlers; and liquor, the presence of which lasted until at least the latter half of the 1800's and the consumption of which almost always erupted in violence (the main reason trading posts were palisaded and fortified).

Uncertainty, confusion and personal depression led some to seek out liquor as a means of coping and, therefore, surviving. Given their lives' pattern of feast or famine, the extremely rigid internal control demanded of Indians, and a system of logic which blamed alcohol, not people, for behavior while drunk, the white man's medicine - liquor - became the most prized item offered by traders. Liquor also "solved" the problem of the natives' shyness in dealing with new white traders and strange Indians.

At least by the late 1700's, many of those in the fur trade saw the disastrous effects of liquor. Alexander Henry noted in 1803: ". . . the Indians totally neglect their ancient customs; and to what can this degeneracy be ascribed but to their intercourse with us . . .? What a different set of people they would be, were there not a drop of liquor in the country! . . . We may truly say that liquor is the root of evil in the North West."

But it was not until the mid-1800's, as Douglas MacKay in The Honourable Company noted, that: "Gradually and firmly the use of spirits was diminished . . . The insistence of the London Committee, the tireless agitation from the Church of England Missionary Society, and the questioning, if unspecified, view of the Colonial office were the principle forces in the final suppression. By 1860 spirits were no longer given to Indians . . ."

I want to emphasize at this point that Indian communities themselves have imposed rigid restrictions on alcohol use. In fact, most reserves are now "dry" areas where the people will not allow any alcohol to be brought in.

In my view, it is indeed unfortunate - and most certainly incorrect - for people to continue to put forward the image of the "drunken Indian." It is true that northern towns have witnessed the so-called drunken Indian in their midst but certainly they are not the only culture involved in public inebriation. One can only speculate on the reasons why any person goes through life in a constant state of inebriation. As I point out elsewhere in this paper, it takes an emotionally strong and secure Indian to succeed amidst the strangeness and prejudice of the white man's world. I have little doubt that a tally could be produced of Indians who, lacking education or job skills, have been unsuccessful in finding employment and therefore find it doubly difficult to make the transition from the reserve to the white man's society -- and, as a result, have turned to alcohol.

However, these Indians are certainly not representative of the Indian population and most certainly do not reflect the standard of behavior and sobriety required in most reserves north of 50.

POST-CONFEDERATION: 1867 to 1945

As early as 1784, agreements between colonial leaders and Indians in Southern Ontario took place based on the principles of fairness and equity in white-Indian relations as perceived at the time.

Canadian Confederation was brought about by the promise of a transcontinental railway — planning for which began mid-way through the last century — and raised the question of title to the Indian land in the north and west.

The first treaty in northern Ontario was the Robinson-Superior Treaty of 1850. Robinson was the provincial Commissioner assigned to extinguish Indian title in the Lake Superior and Lake Huron area. Between 1871 and 1923, 11 further treaties were signed with the Indians, for areas encompassing almost all of northern Ontario, Manitoba, Saskatchewan, Alberta and parts of British Columbia, the Northwest Territories and the Yukon.

In northern Ontario, Treaty #3 was signed in 1873 by Ojibway and government representatives, and covered approximately 142,442 square kilometres of northwestern Ontario. Treaty #5 covered approximately 38,848 square kilometres in Ontario but was mainly directed to the larger area of Manitoba. However, a number of native communities north of 50 (Deer Lake, Pikangikum, and Poplar Hill, for example) are listed within the Treaty #5 area. Other communities such as Sandy Lake, while subject to Treaty #5, are for all practical purposes under the administration of Treaty #9.

Treaty #9, the major treaty within the Commission's area of concern, was signed in 1905 and 1906 by Ojibway and Cree people with not only a representative of Canada but also, unlike Treaties #3, and #5, a representative of Ontario. Further adhesions were signed in 1929-1930. The Treaty covers approximately 565,415 square kilometres which is most of Ontario north of 50.

Treaty-making followed a standard pattern: after boundaries of the territory to be ceded had been determined by Government, all Indians resident in the area were invited to enter into a treaty. Upon its signing, and in exchange for the extinguishment of Indian claims to the ceded land, a cash settlement was paid to each individual — \$12.00 per person under Treaty #3, \$5.00 per person under Treaty #5, and \$8.00 per person under Treaty #9. In addition, an annual cash annuity (\$4 in Treaty #9) was to be paid in perpetuity to each member of a band and their descendants.

Reserves of land also were created for each band signing the treaties. Under Treaties #3 and #9, 2.6 square kilometres was allowed for each family of five; under Treaty #5 it was 64.8 hectares per family of five. In all treaties, the Government reserved the right to remove any settlers on reserve lands in order to protect the reserves from white encroachments. However, Government also retained the right of appropriation of reserve lands if they were required for public purposes, with compensation required to be paid. A band could not unilaterally dispose of the

lands, but with the consent of the band, reserve lands could be sold or leased by the Government.

A most important provision in the treaties was the explicit guarantee of freedom to pursue their traditional livelihoods subject to future regulations and settlement in the non-reserve areas of the surrendered lands (now a contentious and difficult issue). It is not my role to suggest specific interpretations or clarification of treaty provisions and therefore I have attempted not to do so directly. However, native people still pursue foraging activities on these lands and, in general, fear further encroachment on these areas. They are concerned that the spirit of the treaties, their understanding of the treaties, has been and is being broken. It is to this that I address my concerns. I have dealt with this issue separately and made a number of recommendations.

The Commission heard a great deal of discussion about the conflicting interpretations or meanings of these treaties. On the whole, it appears that the making of treaties was taken seriously by all sides. However, linguistic and cultural difference prohibited mutual understanding. The native people seemed to think they were signing a peace treaty agreeing to the shared use of the land between Indians and white people. The Government, on the other hand, looked upon the treaties as legal instruments whereby ownership of the land was transferred from the Indians to the Crown in exchange for certain monetary and other considerations. The concept of land as a commodity which could be bought and sold was a totally alien, incomprehensible and linguistically inexpressible concept to native people.

This differing view of the land and man's relationship to the environment was the fundamental misunderstanding. But the Treaties also created even further misunderstandings in which may be found the roots of many of the conflicts and problems between the two cultures today.

Treaty Effects

Treaty Bands were created which bore no relationship to the socio-political realities of the small family bands which gathered at specified locations to enter into the Treaty. For example, the bands which gathered at the Hudson Bay Company's Fort Hope post for the purpose of signing Treaty #9 were those who traditionally gathered at Eabamet Lake in the summer as well as those who gathered at Attawapiskat and Winisk Lakes. Since the signing of the Treaty, all these bands have been known and dealt with as a single unit. However, in reality, these three separate groups of family bands had little, if anything, to do with one another and after the signing of the treaty, the Attawapiskat and Winisk groups returned to their own traditional territories where they still reside today - although technically they are squatters on Crown land, having no reserves of their own while the people of Fort Hope have a far larger reserve than warranted by the number of Eabamet Lake families in 1906.

Similarly, the treaties are at the root of today's problems arising from "status" Indians, "non-status" Indians and Metis. "Status" Indians originally were those whose male ancestors happened to have heard of the treaty, agreed with its terms and were able to participate in its signing. Today, the incongruity of the situation is brought home in an area such as Moose Factory where the Metis population lives in the traditional native way but is restricted to land outside the reserve and refused the financial assistance given status Indians living just metres away.

Contrary to the traditional autonomy of the individual and the role of consensus in decision-making, the treaties established elected chiefs and councils for each Treaty Band. Both the method of selection and the structure of local government created contributed in large measure to the disunity and disfunctioning of the native communities which began after World War II.

Education

Each treaty contained some provision for native education, as deemed "advisable" by the federal Government; and when the Indians of a reserve "shall desire it". Until the post-World War II period, residential schools — generally located far from Indian communities, run by the churches and financed by government grants — formed the mainstay of Indian education. In the 1930's, the advent of airplanes made it possible to transport northern children to residential schools and parents were subjected to all the persuasion the missionaries could muster to send their children.

Residential schools were creatures of their time, sure of the superiority of the white culture's values. Indian children were to be removed from their families for their own good to learn the values of the Christian religion, hard work and competition. The use of native languages was forbidden and infractions of the rule met with punishment. Traditional Indian appearance was not condoned: hair and clothing had to reflect the current white fashions. The curriculum centred on the English language, writing and arithmetic. Vocational skills taught were those of the farmer, the domestic or the low-status industrial worker — not those needed for life in the bush or for participation in the higher levels of the white economy. The people who operated these schools were doing their duty as they saw it by elevating children of a deprived and "uncivilized" race closer to their own ideals. In essence, what they were actually doing was removing children from one viable culture, teaching and impressing by continuous repetition the precepts of another and, in the end, ensuring that many of their students fit into neither.

One of the elders in the James Bay region recounted his experiences in residential school, and with a look of bemusement said: "You know, Commissioner, it was there I was taught to lie! You see," he said, "I entered the school at the age of nine, and when the term was over I was looking forward to seeing my mother, but first I had to make a promise that I would not speak in my native language while I was away. My mother could not

...speak English, and, being in a religious school that taught you cannot lie, I decided I had to stay because I could not fulfill the promise demanded of me. In fact, I stayed two more years without going home. My friends confused me then with the teachings - honour thy mother and thy father, and assured me that, if my parents could not speak English, surely God would not punish me if I broke my school promise and spoke to them in their language. So assured, I promised I would not speak Cree and went home for the summer, knowing I had lied."

The way in which the federal Government carried out its responsibility removed control of education from the parents and bands, removed control of the children, indeed removed the children themselves. With the new generation gone from the community for much of the year, transmission of cultural practices, life skills and language was sharply disrupted.

The family band had existed as an autonomous and tightly-knit social, cultural and economic unit wherein each individual took his or her adult place after a lengthy apprenticeship which began at birth. Sending children away to residential schools began to unravel the social, cultural and economic threads of the people's lives. The band was deprived of part of the manpower it needed for survival, and the "apprenticeships" which ensured its future survival were interrupted. Off at school, children did not learn what they needed to know in order to survive in their home environment and what they did learn was of little use in dealing with the reality of life on the reserves.

POST-WORLD WAR II: 1945 TO THE PRESENT

For Ontario's northern native people, the post-war period has been characterized by: increasing incursions northward by the white population of the south; increasing interference in and control of their lives by the federal Government; subsequent increased dealings with white Government officials; and an increasing rate of social, cultural and environmental change.

The basis of fundamental change came in July, 1945, when the federal Government initiated Family Allowance payments contingent upon school attendance. The monthly cheque, of course, enhanced survival, but the incentive to send even younger children off to school for most of the year decreased the social, cultural and economic integrity of the family band.

The death blow to traditional lifeways came in the 1950's when elementary schools were established on the reserves. While children no longer had to be separated from their parents, families were forced to stay in one place to care for their offspring. This spelled the end of the traditional economy which depended on mobility. The family band was forced to settle down for most of the year near the school which almost immediately gave rise to the necessity for federally-provided food rations. This concentration of population was intensified in the 1960's with the commencement of planned communities -- band-administered, subsidized housing centred on larger, more modern schools and healthcare stations.

The first day-school graduates had been sent out to residential secondary schools but throughout the 1960's this practice was phased out and secondary school pupils were sent to regular high schools in the north where they boarded with white families. By the end of the decade, their exposure to the values and ways of the "hippy" subculture outside was manifesting itself on the reserves in the form of drugs, alcohol, glue and gas sniffing, vandalism and a rejection of parental mores.

They were also caught up in the social activism of the 1960s, one focal point of which was native North Americans. They learned to exploit their Indian-ness and to demand their "aboriginal rights" - though hard-pressed to define precisely of what those rights consisted. Ironically, their own values were almost totally white: money, pleasure, ease and all the modern material conveniences. Although they frequently bemoaned the passing of native culture, they had never actually experienced traditional lifeways, knew little about them, lacked patience with and respect for their own elders and their values, beliefs and ways.

By 1970, then, three distinct sub-cultures had emerged in the northern communities by virtue of the change that schools made in the enculturation process:

- 1) The Traditional Generation: Born prior to 1930, they were raised in the traditional way, experiencing no white schooling and speaking no English. In spite of their lack of formal education, they are much more aware of what is going on than anyone supposes. They have no problems managing money, they know how to work . . . and they are the only genuine Indians left today.
- 2) The Transitional Generation: Born between 1930 and 1950, they received part of their enculturation in traditional ways and part via the residential schools. They speak both languages and have the knowledge and skills to be able to function in both native and white worlds. Their values are those of their elders and they are a stabilizing force within the communities.
- 3) The Troubled Generation: Born between 1950 and 1965, these natives went to reserve day schools and have known no life outside the reserve. A paper done for this commission tagged this group as "Whindians" because culturally they are neither white nor Indian but a bastardization of both, fitting into neither world. Among the Whindians one finds the highest percentage of unemployment, alcoholism, marriage breakdown and child neglect.

The consequent social disruptions were exacerbated by:

- 1) the physical compacting in planned communities of people who formerly had dwelt in family bands which "kept their distance" from one another and who therefore did not

have the social and cultural mechanism for dealing with life in a dense concentration of population;

- 2) the spatial fragmentation of the extended family within the planned communities;
- 3) the lack of anything to do in a sedentary situation and the impossibility of pursuing the traditional livelihood because of being tied to one spot;
- 4) the consequences of the Treaties' elected Chiefs and Councils upon people accustomed to governing themselves by families and through consensus problems which now emerged as dealings with government increased;
- 5) the concomittant shift of leadership from the elders to the educated young which came about because of the increased dealings with government.

The Indian Act set confirms the overwhelming powers of the federal government over Indian reserves: *"Subject to this Act, reserves are held by Her Majesty for the use and benefit of the respective bands for which they were set apart; and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band."*

Examples of these sweeping powers include the setting aside of Indian burial grounds, schools, health centres and any other projects determined to be in the interest and welfare of the band; the construction of roads, authorization of surveys, or subdivision into lots; the maintenance of roads, bridges, ditches, and fences and the cultivation or improvements of lands. Band funds will be used for these purposes if so ordered.

Bands, on the other hand, are empowered to pass by-laws which deal mainly with local issues such as: health, traffic, conduct and nuisance regulations; the appointment and duties of pound keepers; building and repair regulations; the allotment of reserve land to band members; trespass regulations; and the regulation of bee-keeping, poultry raising and public sports events.

Although a general broadening of band powers under this section has evolved in recent years, the extent to which the band can control its own matters on the reserve is limited. Bands have little control over education, band membership or management of band finances. It is this state of affairs that has led to increased demands for Indian self-government.

One interesting provision of the Indian Act is section 83, where, if in the opinion of the federal Cabinet, a particular band has reached *"an advanced stage of development"*, the band council may make certain money by-laws with the approval of the Minister of Indian Affairs. This would effectively give control over the fiscal affairs of the band to the band council. In

reality, however, there is only one band (in Saskatchewan) which presently exercises these additional powers.

It is readily evident that a band council's powers are considerably limited under the Indian Act. They have no say in many matters of importance such as education, and in areas where they are granted certain powers, the Governor-in-Council may step in with its own overriding regulations. As well, the Minister can disallow any by-law that is passed.

However, the exclusive authority under section 91(24) of the British North American Act makes it difficult for me to contemplate any remedy beyond a general recommendation to the Ontario Government for forwarding to its federal counterpart.

4.1 Recommendation

That the Government of Ontario recommend to the federal Government that the Indian Act be amended to give full status as legal persons to band councils and bands.

This recommendation, if implemented, would give Band Councils the advantages and liabilities of corporate status (i.e., to be able to hold title to land, to sue or be sued, to enter into binding contract).

Survival

A Ministry of Northern Affairs' Task Force on transportation and living costs in remote northern Ontario communities found that almost 67 per cent of the population in these settlements depended wholly or partially upon social assistance.

The 1981 census also noted that while status Indian households north of 50 are 1-1/2 times the size of non-native households, their total income is only two-fifths of that of non-native families. On a per person basis, this means status Indians have only one-quarter of the per capital income enjoyed by non-native. (However, it must be kept in mind that they also have fewer costs because housing and dental care, for example, are provided by the federal Government and native people are exempt from taxation.) And, I should point out here, no census figures can take into account the higher cost of most goods and service services in the north. Overall, the 1981 census data may paint too rosey a picture of the economic situation of the north relative to the south since they do not reflect the impact of the 1982-83 recession and of the continuing reduction in world demand for primary mining and forestry products.

The Government itself is only too aware of why many, if not most, Indian families depend on welfare and job-training grants. In its February, 1983, submission, Canada Employment and Immigration Commission, Ontario Region, candidly admitted: *"In the communities north of 50 the vast majority of those jobs which are available to native people are on short-term job creation projects (shorter than one year) or in local government where salaries are paid directly from transfer payments. While many of*

these jobs have skill development components, employers and sponsors are limited in the length and breadth of training which can be provided. There are few private sector employers operating in these communities to provide industrial training. In larger native communities such as Big Trout Lake or in towns like Geraldton or Red Lake, native employment is, for the most part, similarly limited to government and job creation projects despite the existence of other employers."

While commercial harvesting activities (e.g., trapping, fishing and wild rice gathering) have become increasingly more important for Indians north of 50, for most, foraging activities continue to be necessary to supplement those items which can be purchased. The major "living-off-the land" activities pursued by native people today include hunting, fishing, trapping, wild rice harvesting, and obtaining wood for fuel and building materials. Dependence on foraging can vary according to: how many family members are gainfully employed; the cost of living in the particular community; a preference to live in the traditional way; and a preference for local fish, game and edible plants.

A year-round activity, hunting provides native people with an ongoing traditional food supply, thereby reducing the necessity for store purchases.

Native submitters to the Commission such as the Summer Beaver Settlement Council (1982) and the former Chiefs Committee of Winisk (1982) have stressed the economic and cultural importance of fishing. They recommended strongly that designated areas be set aside for this high priority enterprise where commercial fisheries operate seasonally.

Until the recent past, trapping has been a major contributor to native livelihood, providing both an income and a food source. According to the Kayahna Area Tribal Council and the Muskrat Dam Band, fluctuating pelt prices, high operating costs and the lack of youth participation in trapping activities have had negative effects. There has also been an international decline in demand for furs with increasing opposition to trapping.

Wild rice harvesting, a commercial activity, is firmly rooted in Indian traditions and forms part of a staple diet for a number of native communities in the West Patricia region. The English/Wabigoon/Winnipeg River system and the Lac Seul and Osnaburgh areas are the most productive. The traditional skills of harvesting by the canoe and flail method are giving way to mechanization. Much of the harvest, which varies according to weather patterns and water levels, is sold to processors for world wide consumption.

While a few native communities engage in agricultural pursuits, adverse climatic conditions, short growing seasons and poor soils restrict gardening to potatoes, turnips and carrots for personal consumption. As noted elsewhere in this report, there exists the potential for new, varied and hardier crop varieties, but this will require intensive research and experimentation.

Although quantitative information on the value of subsistence is scanty, some submitters did refer to specific percentages and dollar values to demonstrate the importance of the subsistence and commercial aspects of hunting, fishing and trapping north of 50. For example, Chief Benn Quill stated in 1977 that 40 families from Pikangikum and Poplar Hill earned about \$70,000 from trapping. During the summer, they caught 59,000 kilograms of fish worth about \$100,000. It was estimated that 80 per cent of the families of Pikangikum Band trap and 50 per cent fish (Sandy Lake Hearing, January 10, 1978).

In a study of Kayahna communities prepared for the Commission by Dr. Paul Dribben, it was estimated that hunting, fishing and trapping provided local people with approximately 136,000 kilograms of edible meat per year in 1979. A representative of the Kayahna Area Tribal Council stated that as much as 50 per cent of food required by native people is derived from subsistence sources. Furthermore, in his 1984 thesis, George Hamilton of Lakehead University noted that a 1982 survey of the importance of subsistence activity on Cat Lake Reserve revealed that wild food accounted for nearly 50 per cent of the community's protein requirements.

From the many submissions received on the past and future of resource gathering in Ontario north of 50, there can be little doubt that native people are worried. They are concerned that the white culture does not understand or recognize the subsistence value of gathering to the native communities and, therefore, worry about their future ability to continue such pursuits.

The federal Government has spent tens of millions of dollars in attempts to stimulate economic development on Indian reserves. But failure to give local residents responsibility for the business in question, failure to provide rigorous training in cost accounting and management control, and failure to introduce incentives by paying salaries significantly higher than welfare payments have contributed to a number of business collapses. Further, since government officials have encouraged, if not required, over-employment to demonstrate the success of make-work programs, grants have been quickly and unproductively consumed.

There are ways to improve external guidance and financing systems. However, in my view, Indian communities and their residents must have the freedom to fail or flourish in their own efforts to establish viable local enterprises -- a freedom taken for granted by the majority population.

Self-management and local control over business are, to me, logical, timely and inevitable goals. But, self-management and the self-sufficiency I believe it will promote, also require direct ownership of community lands sufficient in nature and extent to support a suitable range of economic, social and cultural activities.

As we have seen, reserve lands are currently held by the federal Government in trust for the resident bands. The legal status of the Indian bands means that their capacity to own lands

directly and to enter into business contracts and relationships is non-existent. The federal Government must assist in clarifying a situation which impedes this desirable goal of self-management.

For me, there is no other conclusion: a humane relationship between the Indians and the environment in the north of Ontario can be based only on native ownership and control of supporting amounts of lands and resources.

People are part of the environment. Their welfare and future cannot take second place to the welfare and future of lakes, lands and forest. There is no question that native northerners have legitimate concerns, complaints and fears. And, there is no question in my mind that my mandate's priorities include an in-depth review of the disadvantaged position of our native people.

DISADVANTAGED NORTHERNERS

The terms of reference of my Commission do not call on me to inquire into such questions as the validity of aboriginal and treaty rights. Whatever the legal effect of such rights may be, I have concluded that the province must grant additional lands to the Indians. Expansion of reserves and ownership of land is a prerequisite not only for local economic development but also a means of breaking the cycle of poverty and dependency in many northern communities.

I believe these communities need areas of land which can reasonably provide space for housing present and future populations as well as community facilities and local businesses, some forest area for construction materials and fuel, access to water -- both lakes and rivers -- for water supply, fishing and transportation and buffer areas to shelter the community from other adjacent resource developments.

The Government of Ontario owns the land surrounding Indian reserves in the north; and it is the Government which must act if the land base of northern Indian communities is to be enlarged.

There are legal impediments currently which would prevent a grant of land being made directly by the Government of Ontario to an Indian community, the Band itself or its Band Council.

It would suffice in my view for such grants to be made to the Government of Canada in trust for the Band. Eventually Indians, Bands and Band Councils should have the capacity to own land in expanded reserve areas.

I urge the Government of Ontario to take whatever legislative steps may be necessary to permit individual ownership of the surface rights to land within the granted land area if so requested by the Indian community. This is essential to their participation in our economic system.

The well-being of Indian people in the north has been eroded, in part, because they have been excluded from the land to sustain acceptable standards of living in their communities. The

treaties gave the communities reserve lands, the reserves are now too small as populations have grown and the land within them was often too poor to sustain even the basic needs of the communities.

The poor quality of the existing land designated for his reserve was pointed out by Elder Albert McKay at the June 17, 1983, hearing in Wapekeka: *"Concerning the reserve land, the size of the reserve land ... there isn't enough room for standing space. We were set here on earth to live on the land. The designated lands are very small and they are not good to use. When those fellows came in to mark the reserve land, they did not sit down with the people to find out how much land the people wanted. They just went ahead and did it themselves ... Our reserve land mostly consists of swamp. The place they marked the reserve land's all muskeg .. When the government first signed the treaty with the native people, from the beginning the promises were very good. Now, looking at the promises - they're getting smaller. The promises are gradually being broken."*

Population pressures long ago outgrew reserve sizes - the treaties spoke of granting from a quarter section to a square mile of land for a family of five. Now there is only a fraction of that per reserve resident north of 50. Furthermore, population growth is likely to be substantial in future - and will almost double by the turn of the century. This increase will occur because of the substantial proportion of young people - in 1981, 65 per cent of status Indians north of 50 were under 25. Only 45 per cent of the non-Indian population north of 50 is in that age group, and only 41 per cent of the non-Indian population of the province as a whole.

I contend it would be immoral for the Government not to take unilateral action at this time on the grounds that negotiated resolutions are preferable. On the contrary, the Government would be demonstrating a new and credible resolve to deal fairly with Indians.

Most reserve areas now lack the capacity for even minimal support. If Indian communities and their residents owned or controlled more natural resources which could yield, through their efforts, significant food, revenues and jobs, there would be a greater possibility for viable local economies and a resultant reduction of the welfare and transfer payments now sustaining existing communities.

Just how the lands to be conveyed should be selected is not easily formulated. The Indian communities themselves may have strong views and opinions may differ among residents about which land should be selected and which land should not. Some communities may wish to relocate entirely. Others will find it difficult to trust the Government's initiative and may perceive it to be a tactic for frustrating real or contemplated claims based on alleged breaches of treaty or aboriginal rights. Indeed, the Government of Ontario has attempted to grant land to an Indian community located on Crown land and the offer was rejected. Implementation of my recommendation should therefore be

accompanied by public statements by a Minister that the land grants have no strings attached.

4.2 Recommendation:

That the Government of Ontario grant Crown land to Indian communities located north of 50, pursuant to procedures outlined in Recommendation No. 4.3.

I heard considerable evidence from Indian people in the north about their lack of power to influence development. Some Indian communities spoke directly of the relationship between their lack of power and the ownership of land. Representatives of the Summer Beaver Settlement Council spoke directly of their needs at one of my hearings in November of 1982: "Essentially, what Summer Beaver is requesting is as follows: One, that a reserve be set up taking in the area presently inhabited and providing adequate additional space for population growth and expansion. Two, that the people of Summer Beaver expect to be consulted by the Ministry of Natural Resources or any other provincial or federal government agencies on any projects that Summer Beaver feels rightfully belongs to its children.

"Land is an essential part of the livelihood of the people of Summer Beaver thus the urgency to settle this question of land status. The residents are greatly concerned about their future generations and feel it their responsibility to provide the land resources for their children's needs. The ultimate goal for the re-establishment of this community is that Summer Beaver is to be self-sufficient. To be self-sufficient these people whose lives are so interwoven with the land must secure for themselves and their children a viable land base."

To negotiate the selection of land to be granted to each community would take lengthy periods of time. It is better, I believe, to follow a fair procedure for selection, grant the lands selected and subsequently negotiate the grants of additional or alternative lands as and when a community requests. This over time will be inevitable, just as villages, towns and cities elsewhere in the province seek to expand their boundaries from time to time. The procedure I am recommending is, in my view, -- given the circumstances in Indian communities -- appropriate because it is expeditious.

4.3 Recommendation:

That the Government of Ontario appoint a Northern Land Commissioner under the Public Inquiries Act to identify and report to the Government on Crown lands to be granted to and for the use, benefit and eventual ownership of Indian communities north of 50 for the settlement of these communities, their present and future residents, and the surrounding environment.

My experience in this inquiry underlies my belief that the Northern Land Commissioner should be given the freedom to adopt his or her own hearing and consultation procedures. I do not

believe that the Commissioner should seek or fund extensive submissions or studies. The task of the Commissioner would, however, be greatly aided if he or she was empowered to appoint one or two Indian "assessors" with special knowledge of local lands and community needs.

The Government of Ontario should, however, grant all surface and subsurface rights in the lands selected for grant to Indian communities. As a result, Indians would have similar rights in these lands as they have within the existing reserves. Ownership of all rights would provide protection to these communities in the event of mineral development.

Existing rights to surface and subsurface interests should, however, be respected by the Northern Land Commissioner and these rights excluded from any land recommended for selection and grant.

4.4 Recommendation:

That the Northern Land Commissioner, in identifying and recommending Crown land for grant to northern Indian communities, consider:

- the adequacy of existing reserves for community needs;
- current and future populations;
- present and future community requirements for food gathering, housing, community facilities, water supply, energy, fuel, building materials, transportation and communications;
- existing surface and subsurface rights;
- the needs of existing, contemplated or likely local businesses or economic development projects;
- the views of the Indian community affected;
- the need for buffer zones to shelter the community from adjacent resource development impacts.

4.5 Recommendation:

That on receipt by the Government of Ontario of the report of the Northern Land Commissioner, the Government of Ontario unconditionally grant all rights in the lands identified by the Commissioner to the Government of Canada in trust for the use, benefit and eventual ownership of the indicated Indian communities; and that after such grants have been made, the Government of Ontario be prepared to negotiate the unconditional granting of additional or alternative land if and when petitioned by representatives of northern Indian communities.

The land to be granted by the province would continue to be subject to all provincial laws. However, because the Indian communities in the north of Ontario are now exempt from tax and have low incomes, they will for some time lack the capacity to pay either federal or provincial taxes. I believe that both federal and provincial Governments should confirm to exempt them from tax. Whether they should cease to be exempt when able to sustain the payment of tax is a question which should be resolved subsequently through negotiations between the federal and provincial Governments and the Indian communities themselves.

4.6 Recommendation:

That all income earned by residents and businesses living or located on land granted by the Government of Ontario to Indian communities in the north be exempt from taxation until such time as the federal and provincial Governments agree, after consultation with affected Indian communities, that taxation if imposed would not discourage or lessen business or other economic development activities.

There is one related matter which merits my attention at this juncture. I have heard evidence of the concern of Indians about prospecting activities which on occasion may have occurred on reserve land without notice being given or the consent sought of affected residents. Indian communities appear not to know very much about the actual nature of prospecting methods and about their effects on wild life, fish and forest. Some people appear to believe that prospecting is always followed by the development of a mine. Most prospectors would wish that this were true but they, like the Government of Ontario, can appreciate that prospecting activities can cause anxieties for Indian communities.

I believe that if prospecting or mineral exploration is planned for lands occupied by Indian communities, those persons undertaking such activities should be legally obligated to give the communities affected reasonable advance notice, and a full explanation of the nature and timing of the activities proposed.

4.7 Recommendation:

That the Government of Ontario introduce legislation to require that those persons undertaking prospecting or mineral exploration on lands occupied by Indian communities give reasonable advance notice to the communities affected of the nature and timing of such activities.

Expanding the "owned" land base of Indian communities addresses only some of their problems. How can their rights to hunt, fish and trap in treaty areas also be ensured?

Quotas

While the treaties guaranteed native people continued access to hunt, fish and trap, many native people emphasized to me the

threat to their cultural traditions and a reduced ability to subsist is being brought about by government-imposed quotas.

Quotas set by the Ministry of Natural Resources for commercial fishing and trapping refer to, not only a maximum but a minimum allowable annual harvest. The minimum must be met for an operation to continue to be licensed. Some native people told me they feel compelled to over-fish the lakes each year to satisfy a minimum government quota to retain their licence, thereby causing a negative impact on long-term harvesting potential.

As Noah Atlookan pointed out at the Fort Hope hearing in September, 1983, Indians have sound environmental reasons for resisting quotas: *"Why we are not...in a hurry to fish these lakes to send fish out to sell, we are going to be here for a long time. We are not going anywhere so we have to go easy on our lakes so we can live off of them in the future. The Ministry of Natural Resources sets a quota to send out fish by the loads every day and pretty soon if we do that...our lakes will be fished out."*

In rejecting the idea of a quota system, the native people also emphasized to me both the spiritual ties of living off the land and the essential cultural traditions which enhance their way of life and preserve a symbiotic relationship to the northern environment.

The Pehtabun Chiefs Tribal Council noted the Indians' pragmatic use of resources - without the need for quotas - in a 1983 submission to me which emphasized nature as the key to sustenance as well as tradition and culture: *"It is because our way of life is at stake that we cannot allow any policy of the Ontario Government to place additional restrictions on the way we use the land. Otherwise, our civilization will be destroyed, and that not only would harm us, but everyone in Ontario . . . The truth of the matter is that European civilization and our civilization are quite different. Our civilization is based directly on the land -- the plants, the animals, the birds and the fish. We use them to feed ourselves and our children, and this means that if the land is destroyed, we will die."*

As the Summer Beaver Settlement Council (1982) submitted: *"We have protected our land and resources better than those people in the south and we can continue to do so."*

Who better to deal with resource issues than the people who have co-existed successfully with nature's largesse and restrictions for centuries? Surely it is time for a renewed confidence in the ability of Indian communities to participate meaningfully in resource planning and land use decisions regarding their economy.

As Chief Jim Diamond of the Ontario Abitibi Band told the Timmins hearing on November 24, 1977: *"I think that companies and governments should consult with the Indian people before they do anything to our land. We were here first. We live on the land"*

and we understand that land. We have been pushed further and further north. Pretty soon we will have no place to go.

The Ministry of Natural Resources' quota system is one of the most prevalent native concerns and has served to widen the distance between native and non-native co-operation. Here, certainly, is an example where strife and dissatisfaction could have been avoided had the native people been consulted first.

It is my belief that if these feelings of mistrust and misunderstanding are to be overcome, the Ministry must begin the training and hiring of native conservation officers. This proposal has been endorsed by a number of native submitters to the Commission from communities such as Sachigo Lake, Fort Hope and New Post Band.

I am of the opinion that the long-standing ability of native people to manage their own resource harvesting and to monitor user pressure has not been sufficiently recognized. I envisage the need for at least one officer per community use area.

The Indian Conservation Officer would not only strive for mediation and compromise among conflicting resource parties regarding development of an appropriate quota system. Native people north of 50 would have official, knowledgeable and local spokespersons to ensure equitable involvement in such matters as resource data collection, fieldwork, surveys and interpretation. The Indian Conservation Officer would ensure that native participation was meaningful throughout planning and resource management projects.

4.8 Recommendation:

That the Ministry of Natural Resources train and employ Indian Conservation Officers.

The presence of knowledgeable Indian Conservation Officers would, I believe, lead to a better understanding among competing resource users of the value of subsistence activity and resource gathering in Ontario north of 50. It would also help provide a means of two-way communication between native people and the provincial Government concerning environmental impacts on subsistence activities north of 50. I believe such officers would help mediate and seek compromise among conflicting resource users' quotas; they would also disseminate knowledge and encourage participation in planning at the local community level.

Indian Conservation Officers should have adequate training at a northern educational facility offering courses in resource conservation, management, government planning policy and native subsistence activity. They should play a key role in the hiring and training of native staff to assist in the management of hunting, fishing and trapping activities by native communities north of 50.

4.9 Recommendation:

That the Ministry of Natural Resources establish special committees to advise the Ministry on research, planning and

resource management matters as these pertain to Indian communities; and that Indian Conservation Officers be among the persons named to such committees.

There are economic, environmental and humane reasons for affirming the Indian communities' priority resource harvesting rights, whether for subsistence or commercial purposes, in land areas adjacent to their communities.

The Government of Ontario does not consider that the Indian rights to hunt, fish and trap are exclusive or have any priority over rights to engage in similar activities which may be granted by the Government. Further, it would appear that there may be legal restrictions on the right of Indians to hunt, fish and trap where the products of these activities are sold commercially.

Resource developments and related transportation systems have increased non-Indian hunting, fishing and trapping activities. Stocks of fish, game and wild life have been reduced as a result. The incentive I believe for Indians to continue hunting, fishing and trapping in treaty lands has diminished because of reduced returns and the lack of Indian control over traditional gathering areas.

I have spoken elsewhere in this report about the importance of traditional food gathering to the Indian communities of the north. Hunting, fishing and trapping are key activities in food gathering which have been relatively ignored by the Government of Ontario's resource allocation policies and decisions. This has contributed to the erosion of standards of living in Indian communities.

I considered a number of ways in which Indian rights to hunt, fish and trap could be protected from other resource users. The land areas I have recommended that the Government of Ontario grant to Indian communities will only provide limited secure opportunities for hunting, fishing and trapping. The Governments of Canada and Alberta, in recent agreements, have granted large areas of land to native groups for ownership and in some instances for management in order to secure native opportunities to hunt, fish and trap. I have concluded that the Government of Ontario must take steps to protect the rights of Indian peoples in the north to continue hunting, fishing and trapping on reasonable and productive land areas before other resource users totally frustrate the possibility of such activities continuing. Protecting these rights, which in law I would think is supported by the treaty obligations of the province, will also have economically beneficial repercussions for Indian communities. It will mean that those Indians who choose to hunt, fish and trap whether for personal consumption, community use or commercial purposes, will have priority rights to engage in these activities, subject only to conservation controls acceptable to the community. In a sense, what I am about to recommend would eventually involve the Indian peoples as the managers of the fish, game and wildlife they gather and the areas in which this gathering occurs.

I heard many calls at my hearings for protection of native traditional resource uses. At the Kingfisher Lake Hearing on June 14, 1983, the need for additional lands for Indian use was presented by Noah Winter, Band Administrator for the Kingfisher Lake Band and President of Kingfisher Lake Socio-Economic Development Corporation: "... We, the native people of Kingfisher Lake, recommend to the Royal Commission that the surrounding area be used solely for the inhabitants of the area which are the members of Kingfisher Lake Band. This will act as a resource base to continue our native livelihood as much as possible; this land and its natural resources will act as a base for some of our economic development aspirations. This will also act as a base to continue and preserve our unique cultural heritage which we now enjoy. In order to make this possible we need to control and manage the said land with no interference from outside government regulations. What we ask, Mr. Commissioner, is nothing new. We ask only to leave the land to us as it has been for the last hundreds of years."

4.10 Recommendation:

That the Government of Ontario designate community use areas in the province north of 50 in which hunting, fishing and trapping by Indian persons would have priority over other resource users, subject to Recommendation 4.11 to 4.14.

The community use areas I am recommending should encompass those lands on which the residents of an Indian community rely for fish, game and wildlife. I believe that community use areas may vary in size and location depending upon the productivity of the land and waters and conservation needs.

I received evidence from a number of Indian communities of both current and historic resource use patterns in areas surrounding their communities. Indians have had to hunt and trap over extensive areas of land in order to achieve what at times were only subsistence returns. I do not propose that gathering areas should be designated for all the land that has been used at one time or another for hunting, fishing and trapping by Indian people. Rather, community use areas should encompass those areas in which an Indian community is actively carrying on these pursuits.

I leave to the Government of Ontario the decision as to whether or not implementation of my recommendation for community use areas should occur by way of legislation or could occur under the considerable discretion the Government now has in determining resource uses on Crown land. In either event, the procedures governing the designation of community use areas should be clearly spelled out and publicized in ways the Indian people of the north can comprehend them. This may require dissemination of such procedures in Indian languages.

4.11 Recommendation:

That the Government of Ontario establish procedures for designation of community use areas by the Ministry of Natural

Indian People of the North

Resources; that such procedures be activated by an application by an Indian community located north of 50 and that the Ministry designate the Community Use Area as applied for within 90 days of the application if it has received evidence of the community's reliance on the area for hunting, fishing and trapping.

As communities wished to vary the size and location of their community use areas, they would again apply for modifications or new designations as necessary.

Those persons holding resource use or occupancy rights previously granted by the Government should not, of course, be affected by the designation of community use areas. Nor should the existence of a community use area preclude public access across the land area designated.

4.12 Recommendation:

That the Ministry of Natural Resources exclude from any area designated as a community use area any existing rights of use of occupancy and make provision for easements to permit public access along water ways and reasonable public recreational and tourism uses which are not likely to impinge on fishing, hunting and trapping by members of the Indian community for whom the designation of a community use area was made.

As I have already indicated, I would expect that the management of fish, game and wildlife stocks in community use areas would eventually become the responsibility of the Indian communities themselves, and in particular, resident Conservation Officers.

To prevent the continuation of disputes over the placing by the Ministry of restrictions on levels of hunting, fishing and trapping, I have concluded that there must be provision for independent determination of the appropriateness of such a restriction. The idea of an independent biologist which was contemplated by the now defunct Fishing Agreement accepted by the Government of Ontario in late 1983 suggests what might be an acceptable approach.

4.13 Recommendation:

That the Ministry name an independent scientist acceptable to affected Indian communities whose decisions on the appropriateness of any restriction on levels of hunting, fishing or trapping would be binding on all parties.

The possibility will no doubt arise of other resource uses in designated resource use areas. I do not believe that such uses, whether they involve forest cutting, mineral exploration, mining or the construction of an outpost tourist camp should necessarily be precluded in designated gathering areas. Whether such resource uses proceed should however be determined by the Northern Development Authority which should act on behalf of the

affected community in negotiating a resource use agreement with the developer. As I have recommended elsewhere in this report, it is most likely that any alternative resource use proposed for a community use area would be deemed to be a significant undertaking under the Environmental Assessment Act and require accordingly an assessment in conformity with this legislation.

4.14 Recommendation:

That in the event of any resource use other than fishing, hunting and trapping by the affected Indian community and its residents being proposed for a designated resource use area, that a precondition of such use be the negotiation of a resource-use agreement between the developer and the Northern Development Authority.

My recommendations for the granting of additional lands to Indian communities and the designation of community use areas for their hunting, fishing and trapping activities would, if implemented, greatly contribute to the capacity of Indian communities in the north of Ontario to move towards greater self-sufficiency. There would also be a related increase in the perception of people in these communities about their capacity to control and influence their own destinies. These are recommendations, in other words, which would go some distance in helping to break the current feelings of hopelessness and despair which plague too many of our northern Indian communities.

EDUCATION

A brighter future for Ontario's Indians depends in large part upon improved and expanded educational opportunities. There can be no question about the failure of the white man's education system to adapt itself to the realities of Indian life. However, in speaking of Ontario's moral obligations to its original inhabitants, it would be unfair and unwise for us to assume the worst in the intent of past governments' actions. I believe we are witnessing today the results of action, undertaken not in malice or indifference, but rather in misguided but well-meaning ignorance of the impact of forcing one culture's values upon another.

No greater example of this exists in white-Indian relations than in the evolution of native education. More than any other issue addressed to me was the concern expressed by mothers, fathers and elders for the future of their children.

In different ways and emphasized with tautness of lips, furrowed brow and impassive eyes, they repeatedly directed attention to their unprepared, untrained and unemployed youth, who are controlled by the educational system of the south. The following quotes from native parents illustrate their concerns:

"Look around you -- our youth have learned they do not have to work to subsist."

"Removed from native training and placed in schools controlled by government, our youth have lost the art of self-sufficiency."

"When our Grade 8 students go south they are told they have to be upgraded to enter Grade 9."

"If they go south for employment they rarely obtain work, except on the lowest rung of the ladder, and finally return home disheartened or alcoholic."

"The educational system, controlled by you, has established for us a lost generation that we are left to live, grieve and deal with through degrading welfare and as parents find that the child has been spoiled, has become unfit for the daily tasks of survival, and is virtually impossible to understand."

These statements are serious condemnations of the Government's decision to administer white education to native children. The current situation demands a serious review which concentrates on immediate initiatives and action, with full native input.

The British North America Act of 1867 listed specifically among the powers of Parliament, responsibility for "Indians and lands reserved for the Indians" (Section 91). Although Section 93 called for education to be an area of exclusive provincial jurisdiction, both levels of Government agree that responsibility for the education of the Indian living on reserves resides in the federal domain. However, the Indian Act provides that the Minister of Indian Affairs may share delivery of education with other groups -- most pertinently here, the province.

The Impact of the Whiteman's Education

The image of the slovenly, lazy, drunken Indian -- the unfortunate result of those who leave the reserves uneducated and hence unprepared for urban life in the south -- unjustifiably burdens all Indians.

Rejection by the greater society plays its part in making life difficult for both children and adults going out to school. The loneliness of a child of any age away from home is increased when he/she is made to feel inferior. Insecurity and shyness become overwhelming. In such impressionable years, these changes become exceedingly dangerous and often cause severe identity crises.

There are families in all northern reserves who have experienced major disappointments when they sent their young people to high schools in the south. In those rare instances where an individual has gone through the system to obtain a high school or university education, his or her success has been achieved in spite of the present system, rather than because of it. The personal strength of the individual or his or her family

in overcoming the loneliness, prejudice and ridicule of Euro-Canadian society has, in almost every case, been the sole cause for success.

A native teacher along the Hudson's Bay coast recalled to me her years away from home in high school, and the loneliness she experienced. She said: *"On several occasions I walked street after street looking for a native family, and when I finally found one I invited myself in and unloaded my desperation. You cannot imagine how wonderful it was for me to be among people of my own culture for that short respite. We became close friends."*

In Fort Severn, a father explained the loneliness of his daughter attending high school in Thunder Bay. She pleaded to be allowed to come home. Determined it was in her best interests to get her high school diploma, he telephoned her long distance every day to assure her that they were thinking of her. He hoped to uplift her spirits to continue but, in the end, lacking friends within the school student body, the girl went home.

"There is no friendship, no love, like that of the parent for the child." H.W. Bucher

As the parents become more aware of the progress and benefits derived from a good education, they more readily accept this as an alternative to their own traditional way of life and learning. However, this happens only in some cases, when a graduate is fortunate enough to find a job that will fulfill his/her training. All too often the benefits of education are not observable because trained and educated offspring find they have no work to which to return. They then face either the demands of complete integration into the mainstream of southern society or continuous unemployment, having forfeited the family's training in living off the land.

The pain of complete deculturation was described by Chief Emile Nakogee of Attawapiskat. *"Many of our children have left the reserve. Many of them never return. Many of them have forgotten their mother language. All of these things happened because of the white man's education, an education system that was forced upon us. For myself, personally, I have been forced to accept this education system. But it has made me sad. Over and over I had been told that a high-school education is important and that it is a good thing. Because of this, I encouraged three of my children to go out to high school. They did leave the reserve to attend high school. These same three children have forgotten their own mother and father. That is not a good thing."*

Having by necessity to move into and live with another culture during high school years away from his/her peers, the student encounters another cultural shock when he returns home after many months' absence. The mother tongue has not been developed and may even be partly forgotten; yet possibly no English is spoken in the parents' house. Survival skills required in the northern environment have not been acquired by the child. At the same time, the education of the white society is found to be of little use in the north because it does not

relate to the daily life on the reserve. The student misses many comforts of the city: on the reserve there is no running water, no variety of stores and little entertainment. The parents, on the other hand, find it difficult to relate to their child. They cannot fathom the benefits of white education. They note that the young people who stay at home are able to support families because of their training in the traditional ways. The educated child is of little immediate material use. Friction between child and parent results. The child sees life on the reserve with different eyes and the parents suggest that the child has been spoiled, has become unfit for the daily tasks of survival, and is virtually impossible to understand.

Indelibly imprinted on my mind during the hearings held in native communities are the courteous but impassioned presentations made by the elders, mothers, fathers and young people. Devoid of any angry rhetoric, they eagerly responded to the opportunity to explain the bewilderment and real alarm they feel about the control which government is exercising in almost every conceivable manner over their lives. This is particularly so because, to them, the educational process has proven to be a half measure. They are disappointed with the "product" they have patiently awaited, notwithstanding the long years their children have attended school, finding instead that they are still unprepared to achieve a useful and fulfilling future.

Their messages carried an imploring quality asking the hearer to understand their situation and plight, repeatedly centering on the future of their youth and children. One of them quoted Abraham Lincoln in making his point: *"You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves."*

While Indian parents also want success for their children, progress within the educational system is not necessarily seen as the best route, although this viewpoint is growing. The administrators and educators, in the main, are not from the same background as their students. Their culture, values, aspirations, and lifestyle differ. The parents are placed in a conflict situation wherein they want their children to do well but became confused when their children reportedly "did well" and, as a result, became alienated from them. The students' experiences are foreign and cannot be shared. Their attitudes and values begin to shift. In the extreme, the fact that they are Indians may seem to them a cause for distress, rather than a reason for pride. It is no wonder that parental support for continuance of education may be less than wholehearted. To knowingly encourage your children to adopt new ways and grow away from you is not a course many people would undertake willingly.

If the children are spending their days in school, they also lack the time and opportunity to learn the traditional skills of their parents — skills which are still necessary. The family still must gain part of its livelihood in the old ways, since alternative employment and income are not available. Particularly if the children leave home to attend school (as they must if they

wish to go beyond the intermediate grades), their energy and skills are lost to the family -- precisely at the time of their life when in former days they would begin to contribute significantly.

Since it was introduced in the north, "white education", like most other administrative programs, has been delivered to native people "from the top down". The fallacy of this approach is that, however good a program might be, it is alien to the recipients unless they have the opportunity to participate in its planning and direction. Communities tend to feel more involved with the educational system where the school buildings were actually built by local people, (e.g., Summer Beaver and Attawapiskat), and even more so where the general design of the school building program can be associated with their way of doing things. More important is the lack of any real managerial control over what the educational system does.

It has been assumed for too long that white society has an educational system which, with minor alterations in Ottawa or Toronto, can be adapted to meet the needs of all residents of northern Ontario. Given the immense differences between white culture and Indian culture, Indian people are justified in striving for control over their children's education and regarding it as a fundamental human right and responsibility of parenthood.

Today there are approximately 8,000 students in the elementary and secondary schools located north of 50. Of these 5,000 (62.5 per cent) are native students. The number includes approximately 4,400 students enrolled in elementary grades. Of the 600 attending secondary schools, 480 (80 per cent) are in Grades 9 or 10.

While there has been an increase in the number of Ontario Indians attending and graduating from post-secondary institutions, there remains a marked contrast between the attainment levels achieved by the Indian and white populations.

As illustrated in following tables for the 1980/1981 school year (the latest census figures available), only slightly more than one-third of status Indians aged 15 and over who had completed their educations achieved better than a Grade 8 level. By contrast, two thirds of the white population of the same age group had more than a Grade 8 education. While status Indians south of 50 had attained educational levels equal to the non-natives of the north, they still lagged behind the southern white population significantly.

EDUCATION: Table 1

Percentage Distribution of Population*
Out of School and Aged 15 and Over

BY HIGHEST LEVEL OF SCHOOLING ATTAINED

1981

	North of 50 **		South of 50	
	Status Indians	Non-Natives	Status Indians	Non-Natives
% with Grade 8 or less	64.2	33.2	33.2	20.8
More than Grade 8	<u>35.7</u>	<u>66.8</u>	<u>66.8</u>	<u>79.2</u>
Total	100%	100%	100%	100%

1971

	North of 50 **		South of 50	
	Status Indians	Non-Natives	Status Indians	Non-Natives
% with Grade 8 or less	89.3	32.3	57.2	32.6
More than Grade 8	<u>10.8</u>	<u>67.7</u>	<u>42.8</u>	<u>67.4</u>
Total	100%	100%	100%	100%

Source: Custom Tabulation prepared by the Census Division, Statistics Canada, from data collected in 1981 Census and the 1971 Census.

* The population in each Census year is comprised of all those out of school since September of the year preceeding that Census year and aged 15 or over in that Census year.

**For a more detailed breakdown of the schooling attained by the north of 50 population see Table 2.

EDUCATION: Table 2

Percentage Distribution of Population
Out of School and Aged 15 and Over

BY HIGHEST LEVEL OF SCHOOLING ATTAINED

North of 50

		Status Indians 1981	Non-Natives 1981	Status Indians 1971	Non-Natives 1971
Grade 8 or less	Less than Grade 5	34.5	4.4	62.8	6.4
	Grades 5-8	29.7	15.1	26.5	25.9
More than Grade 8	Grade 9-10	18.4	17.7	7.5	27.3
	Grades 11-13	7.1	22.8	2.3	19.9
	Some Post- Secondary Non-University (includes trades training certificate or diploma; non- university)	7.8	26.8	.4	13.2
	Some University (includes certificate programs)	1.8	5.7	.6	4.4
	University with Bachelors Degree or higher	.6	7.2	-	2.9
% Totals (Rounded)		100%	100%	100%	100%

Source: Custom Tabulations 1981 Census.

EDUCATION: Table 3

Proportion of Population 15-19
Attending School During the 1980-81
School Year*

		Number at School	Population 15-19	% at School
North of 50	Status Indians	555	1,885	29.4
	Non-Native	700	1,070	65.4
South of 50	Status Indians	4,320	6,735	64.1
	Non-Native	574,865	790,435	72.7

Source: Custom Tabulations 1981 Census.

*Attendance is measured in response to the Census question 35, "Have you attended a school, college or university at any time since last September?" Responses include full-time attendance and part-time attendance at all elementary, secondary, and post-secondary educational institutions and trade and technology training facilities.

Improving the educational level of northerners is a beginning to a solution of the endemic unemployment in the north even though current unemployment rates are high. The low level of secondary and post-secondary educational attainment for the status Indians north of 50 can be attributed to the lack of basic educational opportunities available to them.

THE NEED FOR CHANGE

I have concluded that it is unthinkable and savage for us to presume to meddle with or disturb the culture and lifeways of a people who have existed since time immemorial unless we employ the greatest of respect and caution through honest communication with those affected as we try to establish — with their full participation — an educational system which incorporates broad mutual understanding. In this attempt we must be guided by the finest, most dedicated and practical educators we can assemble. The northern people have an inherent ability, founded on their natural attentiveness, to respond heartily to the concept of education. Their intellectual capabilities, memory and interest are highly developed and deserve to be honored.

Not only did the Euro-Canadian society formulate the institutions which govern the education and lives of Indian people today, but it imposed those institutions arbitrarily without establishing a mechanism for them to be changed in accordance with the needs and desires of the native people. The end result is that Indian people have been reduced from self-sufficiency to dependency on people of another culture.

A representative view of what the people of northern Ontario think about local control over education was expressed by Grand Council Treaty # 3 at Commission hearings in Kenora: *"My people must control their own system if they are to make changes.... We want to decide on the objectives of education. We want to choose the curriculum and the methods of teaching. We want Indian control of Indian education. The reason for this is simple: We want to use education to regain control of our lives. We know that until our children become doctors and nurses, our health will be in jeopardy. Our homes on reserves will not be designed for comfort and safety until there are Indian engineers. Our legal system will not be just until we have Indian lawyers, public officers and judges. Through our own system of education, our children will have the access to jobs. They will have the means to communicate and unite. They will have strength in politics, and the freedom to live where they want to live."*

As noted elsewhere in this report, I believe a viable future for Indians north of 50 depends on their involvement in planning and decision-making for economic development. I also believe that their effective involvement is dependent on a sound education. Developing a more effective education system to which Ontario natives can enthusiastically respond is one of our greatest challenges.

Education and economic policies should not be treated separately: they are two sides of the same thing. As Dean Rusk told a conference on economic growth and investment in education in 1962: *"Education is not a luxury which can be afforded after development has occurred; it is an integral part, an inescapable and essential part, of the development process."*

A NEW APPROACH

An effective attack on the problems of native education must include the elementary, secondary and post-secondary school levels.

For the native student, all post-elementary education takes place within provincially-administered institutions. If the native child is to receive an education on a par with his white counterparts, the native elementary schools which prepare students for entering such institutions must be on a par with those elsewhere. While for a number of legal and economic reasons I believe the federal Government should continue to bear fiscal native child is to receive an education on a par with his white counterparts, the native elementary schools which prepare students for entering such institutions must be on a par with those elsewhere. While for a number of legal and economic reasons I

believe the federal Government should continue to bear fiscal responsibility for native education, I believe the following recommendations should be implemented by the Government of Ontario.

4.15 Recommendation:

That elected school boards be established in each Indian community to be responsible for the administration and delivery of educational services at the local level.

It is obvious to me that major curriculum changes are required if native schools are to become more relevant to the native people, their traditions and their environment. A more relevant curriculum could be an effective tool in preserving traditional culture and skills. It could also go a long way towards solving the current truancy problems.

4.16 Recommendation:

That the Indian community school boards, in conjunction with the Ministry of Education and native parents, establish a special curriculum for community schools which is on a par with provincial standards but which also accommodates the traditional culture.

4.17 Recommendation:

That Indian community school boards and the Ministry of Education recruit teachers from qualified members of the community.

I believe it is imperative as well to stop the practice of forcing students to leave home and family at a critical time in their lives in order to further their education. Giving these students another two years of study within their own communities would assist them in gaining self-confidence, self-discipline and the maturity to venture forth from their familiar and familial surroundings. The building of special facilities need not be the only option when much could be done using TV Ontario and/or educational videotapes.

4.18 Recommendation:

That Indian community school boards in northern communities provide Grade 9 and 10 within the community.

These changes, if conducted thoroughly and with great attention to community consensus, would yield a more mature, better prepared, self-disciplined and fully bi-cultural 14- or 15-year old leaving the reserve for further education. Self-discipline and self-motivation are the only ways to overcome the problems of lack of supervision outside of school hours when students are away from home. (Self-discipline is also a traditional native characteristic.)

To ensure the success of the educational program, of course, there must also be changes in the living and economic conditions of the communities since the real possibility of a job is one of the best motivations for getting a student to study.

Elders and parents fully appreciate that secondary schools cannot be justified in all their small communities and, while it would be preferable if they could, such small secondary schools would not offer the normal level of educational options available in a larger school.

I received enthusiastic support when I introduced to them my concept of developing an educational community centred on a first-class high school with technical and vocational options. Located in a remote location on the shores of a large lake with a connecting river system, it would be removed from interfering politics where, amongst their own peers, the limits sponsored by prejudice are negated and where courses in their culture and other pertinent options including out-of-school programs would be available.

Subject to affirmation by the native people in Northern Ontario, I recommend:

4.19 Recommendation:

That the Province of Ontario move immediately to approve the construction of a first-class high school with technical and vocational options at a remote location selected by representatives of Indian community school boards.

Subject to affirmation by the native people in Northern Ontario, I believe the following considerations and requisites in planning and construction should be reviewed to assure the objectives of the program will fulfill the breadth of their educational and training needs:

1) School Board

A Regional School Board should be incorporated with eight trustees elected in the Pehtabun, Windigo, Kayahna, Central and James Bay Tribal Council Areas on the basis of population; and four designated by the Minister of Education. The latter should not be civil servants.

2) Curriculum

In a residential setting such as is proposed here, the curriculum will have two aspects, the school program, and the out-of-school activities.

It would be impossible to overstate the importance of ensuring native input into the process of curriculum building and regular curriculum evaluation.

The school program must be designed to meet the unique needs of native students. It is recommended that there be a core

curriculum of skill subjects (the "three R's") — that body of skills and knowledge which will guarantee the graduate access to training for professions in medicine, dentistry, law, nursing, etc. and the trades at the post-secondary level. Most, if not all, of the remaining school program should relate to the culture and lifestyle of the native community (native history, language, legends, natural science).

Instruction in the school program's core subjects must be individualized to permit Grade 9 students to progress from whatever achievement level they demonstrate step-by-step through the course of study. This accommodation is necessary because of the various educational standards experienced by northern native elementary school pupils. This approach will help to eliminate the upgrading or "catch-up-year" which is so common for native students entering our "outside" secondary schools and which has been so damaging to their self-image.

The out-of-school program should include instruction in such native-oriented courses as native art; handicrafts; dance; hunting and trapping; preparation and preservation of food; and music, as well as supervised sports and recreational activities.

The school year cannot logically fit the June-September format of white communities because of Indian requirements for gathering activities. Rather, school days and holidays should be designated to satisfy the demands of native opinion, custom and lifestyle. Individualized instruction will accommodate this requirement.

3) Support/Training Programs

I am of the opinion that this unique educational approach will allow students to be involved in all aspects of their school and their community. For this reason, the following support services and facilities will also serve as a form of study and apprenticeship for native students:

- a) Eight-room native-operated motel with dining facilities to accommodate visitors and to be used as a teaching facility for tourism services and management; to include resort management and tourist guide training.
- b) Native Ontario Provincial Police with police training facilities for native recruits.
- c) Fish and Wildlife Conservation officer training.
- d) Management and administration of wilderness parks.
- e) Experimental Demonstration Projects into appropriate technologies for the north: agriculture specialization with vegetables which can be grown in a short season;

energy-wind generation: solar heat; housing - northern log model.

- f) Sawmill to produce building supplies, such as dimension stock and fitted logs for housing as part of a practical forestry course which includes logging, sawing, reforestation, forest care and management.
- g) Fish plant with freezer and ice house to contribute to the school's food supply and as part of a seine net fishing course, to demonstrate the rigid process and rules necessary for this exacting activity to be successful.

4) Physical School Plant

Native selection of school site (on or near Esker or End Morain);

Native committee to guide and finally determine the architecture acceptable;

Native committee to guide decision of building materials to be used (e.g., logs taken from the area, if available);

Provision for Grades 9 to 13 classrooms;

Provision of small elementary school to accommodate children of staff;

Library, shops, computers and facilities;

Recreational complex - gymnasium, arena with artificial ice, swimming pool, bowling, archery, pool tables, music room, piano and musical instruments, study room, art room;

Outdoor sportsfield and track.

5. Other Supporting Needs

Housing for students, all of whom will live in, be provided preferably in small units to accommodate 10 to 12 students each;

Housing for educators, instructors, and support staff to conform with overall setting;

Cafeteria;

Laundry and dry cleaning facilities;

Incinerator for refuse;

Sewer and water treatment plants;

Aircraft landing strip;

Medical centre with doctor, dentist and nursing care;

Central heating plant (fuel - cord wood, woodwaste from sawmill);

Fire Hall — equipped with fire-truck. Fire chief (possibly same person as plant superintendent) to drill classes in fire safety and control, including airport;

Maintenance shop.

6. Staffing

The Ontario Ministry of Education should publicize and promote the Northern Regional High School by inviting and encouraging dedicated educators to take up the challenge to make this major educational project in the north a successful model for the native people, the province and the nation.

Once the classroom door is closed, the teacher controls the events which either encourage or discourage students from acquiring the knowledge they must incorporate. The role of teachers in shaping the future social, economic and cultural development of Indian communities should not be underestimated by anyone.

This education proposal cannot be contemplated in half measure. If we are to eradicate the inequality and to inspire hope for changes at this juncture which will both exhibit the Government's determination to meet the challenges of a lost generation and reverse the welfare culture imposed throughout the north, then our efforts must be enlightened, refreshing and reassuring.

I must reiterate the desperate need to restore strength and animation to the spirit of our northern Ontarians who have always recognized and respected education as a means of attaining personal independence and self-respect. There is still time to afford them the tools both cultures know and regard as necessary to understand and participate in this world.

A vocational/technical high school with facilities which enable educators and instructors to provide diversified courses relative to the local environment and the world at large — as seen from the people's perspective and founded with their support -- will produce dramatic results. Excellence will nurture and develop excellence.

At last to be afforded equality within their own setting and culture, to participate in the construction of a first-class educational complex knowing it will be led by dedicated educators and instructors, will generate the spirit and will of Ontario's northern native young people toward preparedness and achievement. The northern native people can feel assured that they will be relieved of their anxiety for the future education of their

children and grandchildren. I am convinced elders and parents alike will effectively illustrate their determination to make not only the high school a success, but will become more directly involved in the elementary schools on the reserves to better prepare their children for high school. Success is the outcome of spirit initiated early in life and first generated from within.

The students should have the further opportunity to learn and understand the operation and management of any or all of the supporting facilities of the school, be it the cafeteria, the laundry and dry cleaning, the incinerator, the sewer and water plant, the airport, the nursing station and St. John's Ambulance training, the central heating plant and the maintenance shop, all of which will become valuable to them and the future development of their home communities.

The Theme of the school could well be:

"THE DOOR IS OPEN TO CURIOSITY AND CREATIVITY".

There is every reason to believe that the students from a Nishnawbe Aski Alma Mater could compete with the rest of society in academics and entrepreneurship in a cradle of options dealing with northern resources, athletics, art, music and culture.



Indian People of the North



THE NORTHERN FOREST

We come now to the heart of the matter: the boreal forest. Within that forest, as in any other, there is one unshakeable truth: if you cut down a tree and don't make certain another grows in its place, the forest disappears. I stress such a seemingly self-evident fact because successive government and forest products companies have ignored it since the first axe bit bark in this province.

In earlier days, this was an easy fact to forget -- the forest stretched in endless waves, forever; people really did believe it was so immense that it would always be there. In the light of present-day knowledge, however, that view is not supportable.

Nonetheless, government and companies go on allocating and cutting trees on the basis of phantom estimates of what is there and how long it will be available for use. It's always possible to make figures support a given goal; but reality is relentless: unless we begin acting as if we believed, once and for all, that the forest, like any other living thing, is finite and fragile, we will destroy it, just as we have destroyed the forest of mighty pines that covered much of southern Ontario a century-and-a-half ago. And, if the tree isn't there, no amount of political rhetoric or public relations gloss will make it grow.

I have concluded that the existence of a perpetually renewing boreal forest is a crucial element in any serious plan for the future survival of not just the northern environment, but the province as a whole. That existence is, I have found, seriously threatened. The consequences are severe. Through the boreal forest flows much of our water supply, wherever we live in the province. The forest undoubtedly plays an important role in maintaining the very air we breathe; it is also home and a source of sustenance for the majority of the people living in the north. It is the engine of one of our most important industries, providing many Ontarians with jobs and income. It is far too late for hand-wringing so I am suggesting a variety of measures to deal with the damage that has already been done and to halt further depletion of the forest.

THE BOREAL FOREST

One must first understand what the boreal forest is and how it has been used. A detailed description of Ontario's boreal forest is available in the North of 50; An Atlas of Far Northern Ontario published by the Commission. For this report, it is sufficient to say that the major stands of Ontario's boreal forest lie south of the 52nd parallel of latitude in the western reaches of Ontario north of 50 and comprise some 9,700,000 hectares of trees. Described in The Forest Resources of Ontario, the standard work in the field: *"This forest is primarily composed of conifers, with white and black spruce the characteristic species. Balsam fir, jack pine, white birch and trembling aspen occur throughout this forest region ... As it passes from the*

Precambrian Shield to the Palaeozoic sedimentaries of the coastal plain to the north and east, the forest becomes transitional in nature. Occupying an area of flat topography and poor drainage, and subjected to increasingly unfavourable climatic conditions, the tree species are reduced in number, size and distribution. Good tree growth is restricted to the low alluvial banks of streams and to the old sea beaches which formed sandy ridges paralleling the coast. Here, white spruce, balsam, fir, trembling aspen and white birch occur. Back from the rivers are vast areas of muskeg and bogs; the prevalent tree association is black spruce and larch, greatly reduced in growth. As the coast of Hudson Bay is approached, white spruce, larch and finally black spruce disappear."

Clearly, it's a massive forest, but one widely affected by the arctic cold of Hudson and James Bays and therefore, more fragile than that of the south. Lower levels of precipitation and a lower mean temperature cause slower rates of growth and a shorter growing season. There is evidence that it is difficult to re-establish some species (e.g., black spruce). Mortality rates are higher for young seedlings and there is evidence that it is difficult to re-establish a new species, particularly the black spruce, a preferred species of the forest products industry.

Little is known about soil types and thickness or other factors which determine the growth and regeneration potential of the boreal forest. Indeed, I heard no evidence that contradicted the assertion of a Ministry of Natural Resources forester that *"very little is known concerning forest growth rates ... for this area"*.

As a northerner, what I have observed for more than 50 years confirms the vulnerability of the northern forest. Trees must survive on a thin veneer of soil, in short summer seasons and must survive harsh winds, insect damage and forest fires; in the best of circumstances, their rate of growth is very slow. Furthermore, research reviewed by the Commission suggests that many areas in the boreal forest are probably not capable of extensive regeneration, particularly if standard cutting and regeneration methods are used. In other words, without extreme caution, a tree that is lost, whether naturally or not, may well be gone forever.

THE FOREST PRODUCTS INDUSTRY

Yet it is this boreal forest that the forest products industry has assumed will be available to meet its needs for wood as the supply of timber in the forest elsewhere is exhausted. Like too many other resource exploitive actions, a constant expansion into virgin forest and the depletion of the timber resource have been the dominant characteristics of the forest products industry's use for the forest in this province so far. Must it continue to be this way?

Without doubt, the forest products industry is economically and politically powerful in Ontario. Some 160,000 people are

directly employed in the forest and in wood product manufacturing. They produce more than \$7-billion dollars worth of wood products annually; 42 communities in the province depend on the industry for their very existence, communities like Kapuskasing, Hearst, Dryden and Kenora.

Ontario collected more than \$51-million in fiscal 1983-84 from forest products companies in stumpage fees. Wood and wood products, account for almost 6.5 per cent of Ontario's exports. Commission figures for 1983 show that approximately 10 to 15 per cent of all forestry output in the province came from forests near or north of 50, and this is likely to increase in the future. According to the Ontario Forest Industries' Association, 10 per cent of all Canadians owe their livelihood, directly or indirectly, to the existence of this country's forests; in 1983, 20 per cent of Canada's wood and wood products exports, worth \$2.64-billion came from Ontario.

Pulp and paper mills are the leading manufacturing sector in Canada, employing nearly five per cent of all Canadian production workers with jobs in manufacturing; they account for 7.6 per cent of value added in manufacturing. In Ontario, pulp and paper manufacturing is fifth in terms of value added — motor vehicle parts, iron and steel, motor vehicles, other machinery and equipment are ahead — and sixth in terms of production workers. It provides 2.8 per cent of Ontario's manufacturing employment and produces 3.5 per cent of the total value added by this province's production workers.

This major industry, bound by its resource, is dependent on the continued capability of the province's forest to supply it with adequate volumes of timber. Responsibility for Ontario's forest — virtually all of which is on Crown land — lies with the Ministry of Natural Resources. So among the first questions I asked the Ministry were: how much forest is there now? How much will there be in the future?

TIMBER SUPPLY

I found that the Ministry's estimates of timber supply are based on information in its Forest Resources Inventory. The inventory of any particular area begins with field work and sampling to identify the general location of timber stands and the species in these stands. The area is then photographed from the air and, with the assistance of information from the earlier sampling, the photos are used to identify age, height of trees and timber volumes. A map is then prepared showing the location of similar stands of timber; according to the Ministry, it enables one to pinpoint, for example, a stand of 30-year-old jackpine and to have a general idea of the quality and volume of that timber.

I found that forest sampling is limited, even in fragile areas of the boreal forest; the Inventory tends to over-estimate actual timber volumes and does not contain information that permits estimates of the capacity of forest land for regeneration

if the forest is cut. In fact, the Ministry acknowledged that nothing is known with any degree of certainty about the likelihood of regrowth on any forest land until after cutting has taken place. So much for estimating future supply.

The Forest Resources Inventory need not be -- indeed, should not be -- so limited in content. Technologies like remote sensing exist and make more accurate and complete inventories possible. While costs are higher, they are, in my view, clearly justified. Otherwise, we will continue to cut down the forest before anyone knows whether it can ever grow again.

My conclusions about the Forest Resources Inventory were confirmed in submissions made to the Commission; the Canadian Institute of Foresters - Northern Section was only one of a number of organizations which told me that the present state of information on Ontario's forests does not permit reliable estimates of timber volumes or regeneration capability.

5.1 Recommendation:

That the Ministry of Natural Resources be required by law to establish and maintain an up-to-date Forest Resources Inventory and that this Inventory contain accurate information on timber volume and regeneration capability of the province's forests including timber volumes on already cut and regenerated areas.

Obviously, this recommendation should be implemented before further areas of virgin forest are allocated for cutting.

The fact that the Ministry has not collected accurate data on the volume of timber in the boreal forest has not prevented a number of eminent foresters from concluding that we have reached the limits of sustained timber supplies in this province and that we are cutting more softwood than is currently growing in Ontario's forests. An in-depth study I commissioned from Lakehead University titled The Economic Future of the Forest Products Industry in Northern Ontario (or the Lakehead Report) confirmed that this was the case. I received no evidence from either the Government or the forest products industry that contradicts this information.

Others in the north believe the evidence of what they see daily as proof that wood supply is dwindling; why else do trucks travel such great distances to transport timber from forests to mills; what else can explain the diminishing diameter, year after year, of the logs being trucked?

Estimates of timber volume are a key element in how the Ministry determines how much forest the industry can cut. The Ministry's determination is arrived at by use of a formula that contains the following elements: the estimated volume of trees present ("the growing stock"), the estimated rate at which these trees are growing and the number of years it will take the trees, on average, to reach cutting age of maturity ("the rotation cycle"); the result is "the annual allowable cut" (AAC). The AAC

is, in theory, the portion of the growing stock that the Ministry considers can be cut each year without harm to the forest's regenerative capacity. It is expressed as the constant area in hectares that may be harvested annually, assuming that new growth in the forest equals the volume of wood cut. This assumption, I believe, has been patently wrong for a number of years.

In theory, the existing forest could continue forever if cutting were limited to the volume of timber that grew in the same forest for the same period and that survived fire, insect or other damage. Therefore, knowing what volume is growing becomes a key factor in supply projections; this, as I've already indicated, requires knowledge of the forest and of factors influencing its growth. It also requires information about those parts of the forest that, because of inaccessibility, rugged terrain, allocation to other uses or poor regeneration prospects, cannot or should not be cut.

Clearly, areas that can't be cut, for whatever reason, reduce the overall amount of available timber; nonetheless, the Ministry's AAC specifies what areas of the forest can be cut annually — rather than the volume of wood that can be taken from them. This means that substantial variations in the density of forest growth in the boreal forest can be ignored in determining the amount of the AAC. In fact, neither the Ministry nor any forest products company knows with any precision the volume of wood that can be removed from specific stands. As a result, it is extremely difficult to assess the extent to which the timber allocated for cutting has, in fact, been used efficiently. Further, there is no obligation to achieve any pre-determined volume of cut.

This is particularly evident with regard to hardwoods; it is bizarre that these are left to rot on the forest floor because, I was told repeatedly, of apparently higher processing costs or lack of markets. It is also true that licensees are not required or encouraged to account for such practices.

The annual allowable cut figure assumes that wood within a given area will be fully utilized, which clearly is not the case. It has been estimated that only 85 per cent of softwoods and half of the hardwoods allocated for cutting in the province were, in fact, cut and used. According to the Lakehead Report, the numbers in the area through which 50 runs are even more disquieting: 37 per cent of the annual allowable cut for softwoods is taken, while only a truly shocking 5.2 per cent of hardwoods are used; presumably, the low level of hardwood use means that many trees have been left to fall or to rot on the forest floor. When areas are cut, using the clear-cut method, this is the usual outcome. It must be recognized that the Ministry is aware of the problem and that hardwood usage has been increasing in recent years.

Companies also appear to be reluctant to cut bud-worm infested timber, balsam and dead-fall even though the timber involved can in most instances be processed economically although profit may not be as high.

This lack of commitment to use every possible tree in the cut area and the history of forest depletion are the reasons I reject the current vogue within the Ministry and the industry for speaking of "harvesting" wood in Ontario. Harvesting is a value-loaded phrase: trees are no longer "cut", wood fibre is "harvested". (In the same way, animals are no longer trapped or killed, they, too, are "harvested".) But the word "harvest" has a specific meaning in the English language; while it is "to reap", it is also "to lay up or husband" -- that is, to gather crops as part of an established process that includes care, planning and replenishment. We have yet to earn the right to say we "harvest" trees in this province.

5.2 Recommendation

That the Crown Timber Act be amended to provide that forest product companies be strictly liable for wasting wood in forest areas allocated to them for cutting and subject to fines equal to the value at the mill of wasted timber; that the AAC be calculated in volumes of timber rather than in area of forest; that licensees be required to account for the volume of timber cut and used and the volume left; that the stumpage fees paid to the Government of Ontario by licensees be reduced for hardwoods, balsam, insect-damaged and dead timber to levels that will encourage the use of such timber.

There is, on occasion, a certain amount of fiction in the AAC when it is expanded to permit cutting of mature or overaged timber; if not cut, it would be lost to disease, blowdown or fire. While it makes sense to take out these stands, a system genuinely committed to the growth of a second forest would insist that the annual allowable cut be later reduced when old or mature timber is removed from standing stocks. If this were to be done, it is estimated that the AAC for softwoods would be reduced by 20 per cent by the year 2000.

5.3 Recommendation:

That the annual allowable cut be adjusted over the next decade, beginning in 1986, to reflect the actual timber supply in Ontario's forest.

Moreover, the AAC frequently does not take into account the fact that regeneration has been unsuccessful; thus the presumed growth rate of trees used in setting the AAC includes trees that are nonexistent. According to one estimate, an annual average of 42,000 hectares of productive forest were lost in the 1970's because of unsuccessful regeneration. It appears that the AAC presumes the existence and growth of non-existent trees.

I fear that a continuing rate of loss of productive forest land is still the case. Each year more regenerated back-log is added. There are statistics which support and statistics which refute this concern -- this heightens my anxiety.

A part of this backlog lies north of 50 in the boreal forest. I am informed that the Ministry is attempting to rehabilitate neglected cut-over forest land there, which is commendable. But we must set as our goal, using the best information available, the regeneration of backlog forest land to acceptable and disclosed standards. Similar backlogs exist in other provinces — British Columbia and Quebec, for example. The goal proposed in British Columbia for the regeneration of backlog land over a 20-year period would seem to be reasonable for Ontario. It appears logical to concentrate on the most productive sites closest to mills and around existing communities which are dependent on forest operations for economic survival. This approach, over time, will lessen our need to rely on the uncertain regenerative capacities of the boreal forest in the remote north.

5.4 Recommendation:

That the rehabilitation of the backlog of cut-over forest land not sufficiently regenerated occur over a 20-year period; that these efforts be concentrated first on forest lands that are most likely to sustain regrowth and are closest to existing mill sites and second on forest lands around communities in which the principal employer is the forest products industry.

I recognize that perhaps as many as 40,000 hectares of forest land may have to be regenerated annually. But we must, like Sweden and Finland, consider that forest renewal is the first charge against all of the revenues derived from cutting the forest by government and industry. The backlog is in reality an as-yet-undeclared part of the province's long-term debt which we must now begin to repay.

Estimates of timber supply have political ramifications; they affect business and investment plans, the financing of operations and the expansion of the forest products industry, as well as the availability of jobs. For the Government, with responsibility for forest management and for determining acceptable cutting levels, as well as for the economic health of the province, this is a dilemma. Recognizing supply constraints means reducing levels of cutting, which in turn, implies fewer jobs in the forest product industry. Thus, estimates of timber supply have unfortunately become tied to political credibility. In my opinion, it becomes important that timber supply estimates must be made or at least confirmed independently.

In the situation of short supply that exists now and for the foreseeable future, it would be disastrous if the forest products industry expanded its mill capacity. Any expansion would lead to additional pressures to cut timber at rates exceeding sustained yield levels. These pressures are difficult for Government to resist when capital has already been invested and existing jobs may be at risk.

The problem is that the people who make decisions about capacity still haven't admitted that there is a short supply. Nor

has the Government's artificially high annual allowable cut figures or timber production targets signalled the supply reality. Bold realism is required.

5.5 Recommendation:

That the Government of Ontario freeze mill capacity until wood supply under sustained yield management permits expansion.

It may be tempting to end the freeze if improvements in wood utilization occur, if reduced rotation periods are found to be acceptable by foresters or if more efficient processing technologies emerge; but these temptations must be resisted until we cut no more than is actually being grown in the forest.

The Lakehead Report described the historic pattern of forest depletion which occurred when sawmill capacity was allowed to exceed resource supply. It led to retrenchment and the closing of mills -- exactly the sort of boom-and-bust situation that still plagues northerners. Let's avoid repeating the errors of the past.

Some may insist that alteration of the AAC and a halt to mill capacity expansion will reduce jobs in the industry; in reality, however, as we move toward greatly increased regeneration activities and to the kind of specialized logging that will be required in the northern forest, new jobs should be created. If the industry were on its knees, the changes I am recommending might be difficult to implement. But that is not the case. A recent report, prepared for the Ontario Economic Council, concluded that the forest products industry in this province is holding its own in the world marketplace -- and is likely to continue to do so. In other words, the industry is well able to look after itself while the Ministry of Natural Resources concentrates on looking after the forest it holds in trust for all the people of Ontario.

UNFINISHED BUSINESS

The Reed Agreement

The Reed Agreement and the related matter of mercury poisoning in the Wabigoon/English/Winnipeg River system were the specific events which led to the establishment of this Commission. Both remain, as it were, unfinished business -- especially the latter -- but they should not be permitted to do so. Therefore, before turning to other matters involving the boreal forest, it is necessary to deal specifically with them. I would be morally at fault if I did not do so.

On October 26, 1976, the-then Minister of Natural Resources signed a Memorandum of Understanding on behalf of the Government of Ontario with representatives of Reed Ltd., (hereafter "Reed"), a major British-owned forest products company active in many countries. Reed at that time owned a large wood-processing, pulp

and paper complex at Dryden, in northwestern Ontario, the wastes from which flowed into the Wabigoon River.

While the Memorandum (or "Agreement", as I shall call it,) was hailed by communities eager for new industry and employment, it was criticized by many throughout the province, especially those native people living in White Dog and Grassy Narrows - tiny hamlets in Indian reserves downstream from the Dryden mill. Mercury pollution of the waterway on which they depended for food and employment as fishing guides had devastated their lives. Their plight had received a great deal of public attention at the time the Reed Agreement was announced. That Reed should be granted rights to build another mill and to cut a huge tract of natural forest sent shockwaves throughout the province. The resultant outcry eventually led to the appointment of this Commission.

The Agreement covered natural forest on Crown land — public land held in trust by the Government for the benefit of the people of Ontario. It gave Reed the largest continuous cutting area ever allocated to a single company. It gave Reed the right, subject to certain conditions, to cut conifers in 49,200 square kilometres of virgin forest. The size of that tract was tied to the capacity of the pulp and sawmill complex contemplated by the Agreement: enough wood fibre was needed to feed a manufacturing facility producing 900 to 1,000 tonnes of pulp daily and 180 million board feet of lumber annually. Reed's Dryden mill then had a capacity of 350 tonnes of pulp per day (about three per cent of all the wood pulp produced in Ontario).

The Commission learned from the Ministry of Natural Resources that the Agreement evolved from Reed's response to a request by the Ministry to the forest industry at large for proposals for use of what it then saw as surplus timber. Reed's response (the only one received) proved particularly interesting because of its potential for employment: fully implemented, it implied that as many as 1,900 new jobs would be created in a region where employment opportunities are limited or, for many people, non-existent.

Between 1974 and 1976, the Ministry estimated that the remaining forest of northwestern Ontario contained a sufficient volume of wood pulp fibre to support a major new processing and manufacturing complex. This estimate was based on limited aerial photography; the tract in question had not been inventoried by the Ministry at that time. When the Ministry did conduct an inventory of the area originally allocated to Reed by the Agreement, less timber than originally estimated was found.

Reed commissioned a design for the pulp and sawmill complex and employed a consultant to select suitable sites for the various parts of the complex and to prepare an environmental impact statement. The Ministry of Environment found Reed's assessment to be inadequate under the Environmental Assessment Act. The Commission reviewed Reed's voluminous documentation and was left with many questions and concerns about environmental effects. These questions have never been answered since Reed ceased work on

the project, ostensibly because of changed financial and economic circumstances which, it said, made the project's viability doubtful.

In its submission to the Commission, Reed stated that the integrated forest products complex contemplated under the Agreement *"would not be financially viable if it were to be completed before the end of this decade and its viability beyond remains in question"*.

Thus, shortly after the beginning of the Commission, the very project that had led to its establishment and that, inevitably, would have been a primary focus of its work, ceased to exist. But while the project envisioned by the Reed Agreement has been dropped, strangely the Agreement itself continues to exist.

In early 1980, Reed sold the Dryden mill and related assets to Great Lakes Forest Products Ltd. (hereafter "Great Lakes"). While the Reed Agreement contained no provision for assignment, Reed agreed to sell Great Lakes *"all its right, title and interest in the Memorandum of Understanding of October 26, 1976."*

The then-Minister of Natural Resources, the late James Auld, disclosed the existence of the assignment in a memorandum to the Legislative Assembly, dated March 3, 1980. He stated that the then-President of Great Lakes, C.J. Carter, had informed him of the inclusion of the Memorandum of Understanding in the sale. The Minister said he considered the rights and obligations of Reed under the Agreement to have been *"legally conveyed"* to Great Lakes. That Mr. Auld thus recognized the conveyance on behalf of the Government served as its legal acceptance of Great Lakes as successor to Reed under the Agreement.

At the time the Reed Agreement was signed, the Government of Ontario was responsible for regeneration of forest land following cutting; as a result, the Agreement did not assign Reed any responsibility for regeneration. The company was merely accorded the right to cut *"a sufficient volume of conifers"* for processing in the contemplated mill, the proposed appetite of which was substantial — some two-and-a-half times the capacity of Reed's Dryden operation. Now, however, regeneration has once more become the responsibility of forest products companies in return for security of tenure of the forest allocated to them by contract — known as forest management agreements — with the Ministry of Natural Resources. Regeneration to MNR-determined standards is an obligation under these agreements — a striking difference from what was contemplated in the Reed Agreement.

Because the mill complex and related forest operations contemplated by the Agreement were designated under the Environmental Assessment Act, Reed, and presumably now Great Lakes, must carry out acceptable environmental assessments. This designation was the first time ever that an undertaking of a forest products company had been designated under the Act, and years later, this remains the only time that this has occurred.

Neither Reed nor Great Lakes has chosen to complete an environmental assessment; nor have feasibility studies and operating plans been completed within the time periods set by the Agreement.

I have concluded that the Ministry may permit Great Lakes to cut in the Reed Tract without meeting these conditions. At present, there appears to be no immediate need for this cutting. Indeed, in testimony before the Commission on June 30, 1983, Warren Moore, Manager of Forest Operations for Great Lakes, said that, given its projections of market demand, the company had no plans for the tract. Nor did the company, at that time, require wood from the tract for its existing Dryden mills. Mr. Moore also stated that, in Great Lakes' opinion, the only feasible locations for new or modernized mills were in communities where mills already existed.

Mr. Moore stated, *"We expect that the full allowable cut of (the Great Lakes) licensed areas at Dryden will be required to support mills ... I don't think there is any doubt that it is sufficient to produce or supply the present complex at Dryden."*

The Minister of Natural Resources' view of the timber requirements of the Dryden mills differed from that of Great Lakes. In response to written questions from the Commission, the then-Minister said in March of 1983, that recently-increased capacity at the Dryden mills required more than the allowable cut in the Dryden timber limits and wood available for purchase in the area. The Minister also said that Great Lakes' plans for increases in the processing capacity of the Dryden mill over the next five years would necessitate cutting outside the Dryden limits -- probably in the western part of the Reed tract. He appeared to assume that Great Lakes would be granted the licences to permit such cutting - even though under the Reed Agreement and the Environmental Assessment Act, a number of prior conditions must be met.

The Commission has concluded that Great Lakes does not have any intention of building a new pulp mill north of 50 of the scale and capacity contemplated by the Agreement. Moreover, the Agreement does not conform to current Ministry policies for regeneration: it does not provide for a forest management agreement. Great Lakes has no intention in the immediate future of meeting any of the conditions set by the Agreement. The Agreement, then, is an anomaly, yet it continues to be a source of anxiety and of false economic expectations in the north of Ontario.

5.6 Recommendation:

That the Reed Agreement should be repudiated by the Government of Ontario and no part of the tract should be licensed for cutting until Recommendations 5.9 to 5.27 of this report are implemented.

One effect of repudiation would be to nullify the designation under the Environmental Assessment Act of planned forest

operations in the tract. Recommendations made later in this chapter on the applicability of environmental assessments to forest operations address this issue.

One obvious benefit of repudiating the Agreement is that any future cutting approved in the area could be governed by forest management agreements which impose responsibility for regeneration on licensees.

Repudiating the Reed Agreement should not be viewed as a criticism of Great Lakes. It is but one aspect of placing the boreal forest under uniform forest management. There is good reason to applaud the record of Great Lakes which, after purchasing the Reed mill (and its wounded environmental record), moved almost immediately to replace the original plant with a modernized, efficient and environmentally-improved processing complex. The company's investment in the future has helped bring a spirit of renewal to the people of Dryden which was, I note, declared the province's Town of the Year in 1984.

White Dog and Grassy Narrows

Notwithstanding this, in acquiring the Dryden mill, I believe that Great Lakes also inherited Reed's moral obligations to the people of White Dog and Grassy Narrows. Their claims, arising from pollution of the Wabigoon river against Reed, and therefore, Great Lakes, remain unresolved.

The Indian Commission of Ontario, established as a result of recommendations contained in this Commission's Interim Report, attempted to mediate between the companies, the Governments of Ontario and Canada and the communities in the hope that a settlement of these claims could be reached. Although agreement seemed at times to be close, it has for six years eluded the participants. Meanwhile, the disaster continues to haunt the people of these communities. It is my belief that Great Lakes and the Government of Ontario must seriously focus on what many Ontarians recognize as the company's and the Government's moral responsibility.

I wish to stress that the Commission was not involved in mediation of the dispute or in any attempts to negotiate a settlement. The terms of reference of this inquiry did not include any investigation of the cause, effect or liability of any party as a result of mercury pollution of the Wabigoon/English/Winnipeg River system. I did, however, hear extensive testimony about the anxiety and mistrust in northern communities resulting from the Ministry's grant of cutting rights to the last, extensive tract of virgin forest to the company implicated in the pollution of the major northern river system. Government in this province must attempt to re-establish its trustworthiness as custodian of the boreal forest for all people who live within its boundaries. I firmly believe that one essential step in this process requires the Government to withhold further access to Crown forests to Reed's successor until the moral obligations it inherited from Reed have been met. In other words, Great Lakes should be

restricted to cutting in the company management limits for which it is now licensed.

5.7 Recommendation:

That until the claims of White Dog and Grassy Narrows are settled, the Government of Ontario not grant any cutting rights in forest land outside existing company management units to Great Lakes or any subsequent owner of the Dryden mill complex.

In the future, the Reed Agreement will be seen as having a beneficial outcome, however unintended by the parties to it: it focused long-overdue attention on the forest of this province and on our use and abuse of it. It also made us begin to understand that the forest is finite and vulnerable — that it supports other users with their own legitimate claims to sharing its resources -- and that unless we change the way we use the forest we have reached the limits of its capacity to sustain our forest products industry.

USE AND MANAGEMENT OF THE BOREAL FOREST

Let us turn now to the history of human use of the forest. The earliest users of the forest were Indians who, for centuries, have been foodgatherers and trappers; the forest has been central to their lives — as a vital storehouse of food, clothing, fuel, tools and shelter. Trapping fur-bearing animals has provided northern native communities with protein and cash income -- not large in absolute amounts, but significant in local economic terms.

The arrival of the Europeans was quickly followed by extensive timber-cutting. When the prime timber in southern Ontario was depleted in the early part of this century, industry moved northwestward. In the north, logging began adjacent to waterways, then to railway lines and to mines. Railway ties and pit props were made from nearby trees; that kind of cutting was originally localized but spread as the demand for timber grew. Sixty years ago, a new phase began, with the introduction of accelerating demand for northern conifers and their long wood fibres to process into pulp, paper and particularly, newsprint. The conifers of Ontario's northern forests have fibre characteristics that make them ideal in the manufacture of paper and newsprint.

Demand, beginning in the 1920's, grew rapidly. By the end of the 1940's, there were 13 pulp and paper mills in operation. The need for trees to feed expanding processing capacity led to an inexorable march of cutting operations north and west to where the province's last significant natural forests now stand.

Regeneration was largely ignored, although tree planting efforts actually began in the late 1890's. This resulted in a small amount of new growth in what had once been southern Ontario's extensive pine forest. These early attempts were limited. To this day, timber from the "second forest" provides

only a miniscule fraction of the total volume of timber cut each year.

By the late 1920's, with the pulp and paper industry firmly established in northern Ontario, the provincial Legislature saw the need for some control of wasteful cutting practices. In 1929, it passed the Pulp Wood Conservation Act. This required all pulp companies to manage the forest areas in which they held cutting rights on a sustained yield basis — that is, forest management's aim was to ensure a balance between the volume of timber growing and the volume of timber cut.

Little was done, however, to enforce compliance, in part because of the great depression in the 1930's, but also because of the deeply entrenched belief that the forest was inexhaustible.

In 1947, the Kennedy Royal Commission on Forestry warned that total depletion of Ontario's forests was likely if controls over cutting and regeneration requirements were not imposed. Subsequently, the amount of regeneration gradually increased. That Commission reached the conclusion that companies involved in processing wood fibres should not be involved in cutting timber — since the mill's appetite, and not regeneration, became the prevailing consideration. This recommendation was obviously not implemented.

Since the Kennedy Commission's report, the amount of cut-over forest land that has not regenerated adequately has increased yearly. Concern for this backlog has been frequently expressed, but did not cause the Government to allocate enough money to carry out the regeneration needed to meet the requirements of sustained yield management.

In 1953, an amended Crown Timber Act placed responsibility for regeneration squarely on industry's shoulders; but by 1960, it was clear that most licensees were not effectively regenerating the lands they had cut, apparently because of lack of long-term concern for the forest, little technical expertise and the failure of Government to enforce the Act. Later, yet another amendment to the Crown Timber Act returned responsibility for regeneration to the province; efforts increased as all major licensees signed special contracts to carry out regeneration activities on behalf of the Government — a move that, in theory, could have increased the rate of regeneration. However, once again, not enough money was appropriated to fund a sufficient level of rehabilitation and regeneration standards were not enforced.

By 1970, surveys indicated that only one-third of recently cutover areas had regenerated naturally, another third had been artificially regenerated (with varying degrees of success) and the remaining third could no longer be categorized as productive forest land. Studies carried out several years later indicated that some areas that had been previously classified as adequately regenerated did not, in fact, meet Ministry of Natural Resources regeneration standards.

In 1976, the Ministry commissioned a report on the condition of the province's forests by Kenneth Armson, then a well-respected professor of forestry at the University of Toronto and now the Government's senior forester.

Armson recommended that "*security of tenure*" of forest lands be given to the larger forest product companies by way of forest management agreements between the Ministry and the companies. These contracts would allow perpetual cutting rights providing the licensees met defined obligations for regeneration based on sustained-yield forest management. Previously, companies had been granted licence to cut timber in extensive forest tracts (known as "company management units") for a maximum term, usually 20 years. The lack of secure tenure was perceived to be a cause of the industry's evident lack of enthusiasm for regeneration.

Armson proposed that forest management agreements be introduced for all company management units (which produce most of the wood cut in the province); the Government was to commit itself to assist the regeneration efforts of the companies involved by providing seed and seedlings, as well as subsidies for major access road construction. Such roads are a major cost of forest operations and are essential not only to cutting but also to later seeding, planting, thinning and fertilizing activities. Armson's recommendations were widely supported by foresters; indeed, similar approaches have been taken in other provinces (Alberta, for example) with successful results.

His recommendations were implemented in 1979 through amendments to the Crown Timber Act, which gave the Government the option of requiring forest management agreements when allocating forest areas for cutting. If that option is chosen, sustained yield management is a mandatory element of such agreements.

In the same year, the Ministry of Natural Resources announced a policy of bringing all company management units under forest management agreements. In each of the first two years after the amendments were passed, some 45,000 hectares were brought under forest management agreements. Since then, implementation of the policy has slowed. It is now six years since the 1979 Crown Timber Act revisions and less than half of the forest area which could have been placed under forest management agreements has been so placed. Once again, a good reform is being allowed to slip away.

I strongly believe that forest management agreements should be a requirement before any licences to cut trees on Crown land is issued. I am not, however, unsympathetic to the dilemma of the Ministry. It has the responsibility for subsidizing expensive major access roads as soon as an agreement is operative, as well as supplying the seeds and seedlings as cutting proceeds. Even that, however, cannot stand as a rationale for a slowdown in extending forest management agreements. We must establish a firm time table. The alternative is the inevitable disappearance of the forest.

5.8 Recommendation:

That the Ministry of Natural Resources bring all company management units under forest management agreements by December 31, 1988.

The 1979 amendments did not, however, make sustained-yield management mandatory for all forest areas in the province. The regeneration of forest in Crown management units, not placed under forest management agreements or otherwise allocated, remains the responsibility of the Ministry of Natural Resources. I find it perverse for forest product companies to be obliged legally to carry out sustained-yield management on their units when the Ministry is not similarly required to do so on Crown management units.

5.9 Recommendation:

That sustained yield be imposed by law as an essential aspect of all forest management in Ontario.

In addition, the stated objective of any forest management agreement according to its preamble, is to provide *"within the context of a sustained-yield approach ... a continuous supply of wood ... for a mill or mills to meet market requirements ..."*. The problem with that objective lies in its internal contradictions: on the one hand, it espouses sustained-yield management and, on the other, it talks of meeting market requirements. Which goal takes precedence if mill capacity and market demand outpace sustained-yield, which, in essence, is a commitment to cutting no more than can be regenerated?

5.10 Recommendation:

That the Ministry of Natural Resources amend the objective set out in the preamble of forest management agreements so that it calls for the management of the forest area on a sustained yield basis — the volume of wood that can be cut not to exceed the volume growing in that area — without reference to continuous supply, meeting market requirements or to mills.

I am particularly encouraged to make this recommendation because the Commission found widespread enthusiasm for sustained-yield management outside government; for example, submissions by the Conservation Council of Ontario, the Moosonee Development Area Board, the Northern College of Applied Arts and Technology and others contained a common theme: *"the quantity of trees harvested in northern Ontario must equate with the ability of the forest to renew these trees on a continuous basis"*.

Sustained yield, as a universal statutory obligation, would be less likely to be ignored when the Government determines its budgets. Regeneration and access road expenditures would not be as easily reduced as they now are. Enforcement by Government of the sustained yield obligation would also be encouraged, provided the performances of the parties to forest management agreements were audited independently and publicly reported.

CUTTING RIGHTS

One aspect of forest management and regulation that I believe causes uncertainty for Ontarians stems from how the Ministry grants cutting rights. Since 1849, the Crown Timber Act has permitted such rights to be granted at the discretion of the responsible Minister. Even before 1849, cutting in Crown land was authorized only by special executive grant. Then, as now, decisions about who receives licences to cut timber were not subject to public scrutiny. There are no criteria that applicants for cutting rights must meet. There is no public tendering process (although the Crown Timber Act permits this). Stumpage fees do not reflect the market value of timber cut. Because they have not paid a competitive price for the timber in the forest areas they cut, only the costs of cutting and transporting wood to the mill exert pressure on companies to be efficient.

I question whether this is the best way to deal with a resource that is now in short supply. Moreover, a discretionary allocation cannot be viewed by the public as impartial.

After all, an extensive tendering policy and process already exist. The Government's tendering apparatus is very specific. There are very stringent regulations to ensure that the system is as fair and free of favoritism as possible. I can think of no reason why the allocation of timber cutting rights should not be subject to similar requirements. Indeed, the Government already tenders regeneration contract work.

Tenders could be assessed on a number of criteria, including proposed cutting and regeneration methods, multi-purpose access roads, local employment and sub-contracting commitments, sawlog access as well as the prior forest management performance of the tendering company.

5.11 Recommendation:

That the Ministry of Natural Resource begin, on an experimental basis, to allocate cutting rights through a public tender process.

FOREST PROTECTION AREAS

While I find the introduction of the forest management agreement to be an excellent reform in terms of accountability for cutting and regeneration, I have also reviewed the standard agreement to determine how it attempts to deal with conflict between various resource users. The cutting of trees (and numerous submissions made to the Commission have documented this), limits and, in some instances, prevents other resource uses such as trapping, hunting, fishing, and other activities for varying periods of time.

The Ministry of Natural Resources has described the forest management agreement as establishing a process for resolving conflicts between forest product companies and other users of

forested areas. The Commission's review of the standard agreement found little basis for this description.

The agreement in effect establishes cutting and regeneration as predominant activities, but stipulates that these must give way to the surface area requirements of mineral development and mining operations. Land subject to previously granted rights of occupancy is also specifically excluded from the agreement. Included in this category are: Indian reserves, land that has been sold or leased and land which is subject to a land use permit. Also specifically excluded is land selected or designated for provincial parks.

The standard agreement also permits the Ministry to withdraw land up to a stated maximum area if the Minister deems a withdrawal in the public interest. There is not, however, any provision for automatic exclusion of areas in which significant recreational, commercial or subsistence uses occur. Nor are Indian treaty rights to hunt, fish, and trap acknowledged. These rights, as I indicated in the last chapter, exist throughout the boreal forest.

The agreement does permit the Minister to designate areas in which cutting may be restricted or limited in recognition of other resource uses at the time the company submits, as required, a five year cutting plan. These areas are called "*modified management areas*" which does not convey their purposes to the average Ontarian. Special cutting standards or "*operational prescriptives*" may be imposed in these areas by the Ministry. (I have more to say about standards for cutting later in this chapter).

I have found that these "*modified management areas*" are intended to be, and should be called "*forest protection areas*". The concept of designating such areas is most appropriate if the result is compatible relations between forest product companies and other forest users. But it would appear that the uses the Minister considers should be protected will not include hunting, trapping and subsistence food gathering — all of which are, in my view, significant activities in the north. Nor are fragile boreal forest areas covered, even though once cut, these are not likely to be easily regenerated. The Ministry's published list of protected uses and areas mentions only commercial lodges, outpost camps, recreational and significant fishery lakes, streams or rivers, cottages, railways, canoe routes and portages; nor have the designation guidelines so far released by the Ministry dealt specifically with areas in which hunting, trapping and subsistence food-gathering actively occur.

What concerns me as well is the timing of designation — it may be too late. Access roads will likely have not only been planned but built on the assumption that cutting will occur in areas that subsequently may be or should be designated. The forest products company involved may assume, and reasonably so, that only a certain maximum area will be affected by designation. If that maximum is exceeded, then the economic assumptions underlying a company's access and cutting plans are eroded.

In addition, I have concerns about the excessive burdens the current designation process places on northern residents. As envisaged by the Ministry, the process calls for advance notice and some (as yet undisclosed) opportunity for submissions by affected persons. This, in principle, is good. It means that northern communities and residents (who individually are small resource users, but collectively are significant users of the natural forest) will frequently be called upon to assess the need for designation of forest protection areas. But these people have limited capacity and means to assess forest cutting and company operating plans. They are also at a disadvantage since they bear the burden of proving that particular areas will be harmed by cutting. The net result, I have concluded, is that under the current process northerners will eventually be bulldozed into accepting the preferred cutting plans of licensees and will have to live, however precariously, with the results.

There are, I believe, alternative ways in which the designation of forest protection areas could occur and that would remedy the shortcomings of the existing process. Designation should be possible at any time and should occur well in advance of the five-year plan so as not to interfere unreasonably with forest cutting and road construction operations. Additionally, the burden of proof that an area should not be designated ought to be shifted to the forest products company.

5.12 Recommendation:

That "modified management areas" as provided for by the standard forest management agreement be called "forest protection areas".

5.13 Recommendation:

That northern residents and communities be given the right to apply to the Minister of Natural Resources for designation of forest protection areas at any time, including in advance of the submission of the licensee's five year plan or the signing of a forest management agreement.

5.14 Recommendation:

That the Minister of Natural Resources be empowered to impose such operating standards as the Minister deems necessary when authorizing the cutting of trees in forest protection areas.

5.15 Recommendation:

That if an objection to designation of a forest protection area is received, the Minister of Natural Resources be empowered to refer the matter to the Northern Development Authority; that this Authority be empowered to terminate or continue the designation of any forest protection area and to determine the conditions under which designation is or is not to occur.

The Northern Development Authority might find that an appropriate condition of designation, under which prescribed cutting could occur, would be the negotiation or imposition of a resource use agreement. As outlined in Chapter 2 of this report, resource use agreements would define permitted resource uses, prescribe performance standards and methods for such uses, require the employment of local residents or the contracting of related work to local enterprises and provide for mitigation of adverse consequences. I anticipate that resource use agreements to which forest product companies are parties, could stipulate the minimal extent, timing, and manner of cutting, standards for cutting and regeneration as well as the location and maintenance levels of access roads. Such agreements could be more onerous for forest product companies than obligations imposed on them by forest management agreements. This, however, could also occur when forest protection areas are designated and operational prescriptions on cutting imposed.

These recommendations, if implemented, should do away with the need for the Ministry to impose buffer zones or no-cut areas around lakes and rivers, or around areas in which other uses are carried out. The net result, in all likelihood, would not greatly affect the total area actually withdrawn from cutting. Restrictions on cutting on the land adjacent to lakes and rivers would likely continue under conditions set through designation of forest protection areas or by resource use agreements. But these conditions would be arrived at through a process that directly involves local residents and nearby communities and meets their needs.

The designation of forest protection areas would also serve as the initiating mechanism for possible compromise between trappers and forest products companies wishing to cut forest areas in which trap lines are located. I heard considerable evidence about the effects - sometimes terminal - of cutting on trapping.

Indeed, forest products companies currently are not obligated to adjust their cutting plans to reduce harmful impacts on a wildlife habitat or to compensate trappers whose livelihoods have suffered because of cutting.

With a forest protection area in place, a forest products company will have to propose alternative cutting plans or pay the trapper a financial compensation.

CUTTING METHODS

I have found that there is a need for predetermined cutting standards. This emerged from the Commission's review of the environmental effects of methods for cutting trees used by the forest product industry.

There are three common methods by which timber is cut commercially. Shelterwood is tree-cutting in relatively narrow strips or by uniform thinning of a stand in order to leave sufficient trees to provide seed and shelter for new growth.

In the select method, individual trees are chosen for cutting; this is used almost exclusively for valuable species — walnut and oak for instance — which bring higher prices that offset the costs of this labor-intensive method. Select cutting is used almost exclusively in the southern forest of the province. The Ministry of Natural Resources' statistics for 1983-84 indicate that 9140 hectares were cut using selection and shelterwood methods. The two together account for annual production of just less than 15 per cent of all Ontario's wood — in part because these methods are not easily mechanized.

Clear-cut is, by far, the predominant cutting method and is preferred by the forest product industry for cutting north of 50 where it is virtually the exclusive method used. In 1983-84, 200,337 hectares of forest were clear cut in Ontario — more than 20 times the area cut by the shelterwood and select methods combined. I, therefore, have focused on the clear-cut method.

I found that, despite the fact that virtually everyone in the north has an opinion on clear-cutting, there has been surprisingly little research conducted or data scientifically gathered on its particular effects on the boreal forest.

Clear-cut is very much what it appears: virtually all the forest is cut in a single operation. Easily mechanized as a result, it is the least costly way of removing wood from the forest. In its most highly developed form, large machines cut trees, remove branches, cut the trunks into smaller lengths and carry these logs to staging points.

Clear-cutting, whether mechanized or not, results in denuded areas varying in size and dimensions but most often irregular in shape because of topography and the age and distribution of the trees being cut. Some trees are left standing because access is difficult or they are not merchantable.

Warren Moore, manager of Forest Operations for Great Lakes, told the Commission that the usual practice in cutting even aged continuous stands is to employ the clear-cut method; blocks or strips are left only in cases where the stand covers a particularly large area or where the terrain makes cutting costly.

According to the Ministry of Natural Resources, continuous cuts are usually not more than 150 hectares in area although much larger clear-cuts have been observed, some up to 20,000 hectares. I was told that large cuts tended to cause environmental and regenerative problems. The Ministry's policy is to reduce the size of permitted cuts. Indeed, reductions in clear-cutting have become standard in the north-central region of the province where companies have been asked to conform to this policy. However, the Ministry does not appear to collect or release statistical information on clear cut size, so the move to smaller cuts cannot be verified.

Among the many submissions on the effects of clear-cutting, the consensus was clear: the impact of clear-cutting on the

forest is substantial and affects "vast areas of ... land and water as well as those people who use them."

Some people argued that clear-cutting does no more harm to the forest than the extensive fires that sweep through it every century or so. They said that both fires and clear-cut result in regeneration of homogeneous even-aged stands. There is some evidence, however, that burnt over areas regenerate more quickly and more evenly than clear-cut areas. Indeed, a more persuasive view seems to be that, without special site preparation and tending, clear-cut areas spawn greater growth of less desirable deciduous species (i.e. poplar). Unless reduced in number, these can smother the more valuable coniferous species during the initial regeneration phase.

The effects of clear-cutting go beyond mere cutting of the forest. As much as 10 per cent of the forest area is allocated for roads to enable access to cutting areas. These roads often disrupt soil and drainage patterns, causing soil erosion and flooding.

Less visible, at least initially, are the effects of the machinery used in clear cutting. Soil compaction and ruts that hamper regeneration are common results. Indeed, where only a thin layer of soil overlies rocky terrain, it may be removed by machine abrasion. Once surface vegetation is gone, erosion of soil becomes widespread. I was also told that the extent of damage to soil and new growth on the forest floor can depend on the type of equipment used and the training and attitude of the equipment operator.

But even the best operator cannot prevent the effects of removing the shelter afforded by trees and vegetation. Once gone, according to a number of forest researchers, the soil is more likely to dry out. If shallow and sandy, it is then more vulnerable to wind and water erosion. This could be prevented, as a native community involved in extensive cutting has found, by leaving large blocks or strips of standing forest. This shows, I believe, the environmental sensitivity of those who depend most on their forest and who, because of their traditional culture, knowledge and experience, are keen observers of the effect of change on the forest and on its wildlife inhabitants.

Eroded topsoil washing into the streams and lakes can detrimentally affect fish spawning and migration patterns. Fish stocks may, as a result, be depleted. Exposed soil may be more subject to leaching which can result in an increase in the nutrient content of run-off and, hence, in adjacent water bodies. This, in turn, alters biotic growth and fish populations.

Removal of surface vegetation also decreases the land's capacity to retain water. Run-off is more rapid and leads to increased seasonal flooding and lower summertime stream flow. Drier soil is less suitable for growing seedlings; as plants die, evaporation from the soil increases while potential for growth is further decreased.

Many foresters are opposed to large clear-cuts; some cite, for example, higher water tables in cut-over black spruce swamps. Others speak of the increased likelihood of wind damage to the uncut forest surrounding large cut-over areas. Some foresters are also concerned because as much as a third of new growth depends on falling seeds from nearby trees. Large clear-cuts thus reduce the potential for natural regeneration.

Some experts also believe clear-cuts harm wildlife. This happens most often when trees standing close to rivers and lakes are cut. On the other hand, I was also told that moose are well served by some clear-cuts that yield higher growths of deciduous trees, a favorite food. I did not, however, receive any evidence of a decline in moose in forest areas that were cut by other methods.

One trapper told me: "Logging in our area is done almost exclusively in a clear-cut fashion ... we see a difference in summer and winter cuts ... the former showing vastly more disturbance of the forests and soil due to heavy equipment tearing it up ... The moderating (influence) of the forest is absent and remains so much longer than in the case of fire ... erosion and flooding is observed and the silting of small streams and lakes which may lead to the breaking of beaver dams ... There is more extensive water starvation in some areas due to the dropping of the soil water tables ... In low lying areas we see more frequent flooding and dying trees ... Fur-bearing animals do not live or propagate in clear-cut areas or in remaining islands of trees which are usually too small to sustain their needs."

Other trappers told me that it takes at least 30 years for a clear-cut area to return to being once again a protective habitat for fur-bearing animals. These trappers found the best habitat to be 40-to-60 year old growth in mixed forest containing an appreciable number of deciduous trees.

Judas Kettle, an elder from the native community of Poplar Hill, summed it up: "If the land is clear-cut, the animals will leave."

So too, will tourists. Outfitters spoke in submissions to me of their problems in providing wilderness holidays when large clear-cuts were plainly visible from roads, lakes and aircraft.

Despite the negative evidence of clear cutting's effects on the forest, lakes and rivers, forest product companies and the equipment manufacturers serving them seem to be doing very little to remedy this situation. Equipment manufacturers, I was told, are developing less harmful low ground pressure logging machines; apparently, some are available though few are yet in use. This is difficult to understand. If farm tractors were suddenly found to be harmful to the productivity of soil, manufacturers would quickly have new equipment on the market and farmers would be clamoring to get them. Forest product companies obviously do not have the same attitudes as farmers. Nor do they seem to recognize that their future welfare is inextricably linked to the ongoing and rapid regeneration of the forest crop.

The Commission found no predetermined restrictions exist to limit the size or extent of clear cuts. Limits appear to be imposed by the Ministry of Natural Resources as "negotiated" maximums when operating plans for cutting and access road construction are submitted. Yet, even if these are ignored, the offending companies are rarely penalized.

This is foolhardy. Clear-cutting has too many potentially adverse effects to permit its unrestricted use in the north of Ontario without fully assessing its environmental effects and those, too, of alternative cutting methods.

This is not to say that the Ministry of Natural Resources has totally failed to recognize the environmental dangers of existing practices and related management methods. Indeed, the Ministry in 1981 acknowledged in documents published during its strategic land use planning process that cutting practices must be altered because creation of access to specific lakes, erosion leading to the siltation of water bodies and destruction of wildlife habitat are all undesirable consequences of unrestricted clear-cutting.

What the Ministry has not done is to devise and impose standards and rules for permissible and environmentally suitable cutting. Forest products companies presume clear-cutting will be the method used: it may only be at the level of the one year plan that the Ministry decides that other methods should be used. By then, access road patterns as well as planned volumes of timber and transport arrangements are so entrenched that a change in cutting method becomes an economic hardship.

5.16 Recommendation:

That the Ministry of Natural Resources prescribe the circumstances in which clear-cutting should not be used.

5.17 Recommendation:

That the Ministry formulate and issue on a regular basis "Standards for Cutting the Boreal Forest" which set out appropriate cutting methods for representative forest areas.

5.18 Recommendation:

That, for forest areas in the Reed Tract and north of existing Crown and company management units, licensees be required to demonstrate that proposed uses of clear-cutting and related clear-cut configurations will not irreparably harm regeneration capabilities of affected sites, the ecology of adjacent waterways and the viability of other significant forest uses.

ALTERNATIVE APPROACHES TO CUTTING

There has been some experience in the use of alternative methods of cutting: the Ministry of Natural Resources has acknowledged the benefits of what it calls "modified clear-cutting". This seems to me to be similar to the shelter wood

method described earlier. It leaves blocks or strips of trees standing, at least until adjacent cut-over areas have regenerated to the extent necessary to provide ground cover and wildlife habitat. The Ministry has said, however, that there may be circumstances in which modified cutting is "impractical" but has not specified what such circumstances are.

My own view is that forest products companies operating in the north should be required to use a form of cutting in which recurring blocks or buffer zone strips of trees are left standing. This conclusion was influenced by the study conducted for the Commission by John H. Blair, entitled Producing and Providing - The Story of Kiashke River Native Development Inc. (1984).

Kiashke is an Indian-owned and operated timber-logging company. Located in northwestern Ontario, the Kiashke operation is on the west side of Lake Nipigon approximately 185 kilometres north of Thunder Bay near the Gull River Indian Reserve #55.

A non-profit corporation, Kiashke was initially granted a Crown timber licence for 101.5 square kilometres of forest near the reserve. The Indians there hunted moose and trapped game and fur-bearing animals in the area, obtaining in this way a sizable proportion of the protein they consumed.

To maintain an acceptable habitat for this wildlife, Kiashke has used a modified form of clear-cut, cutting in a checkerboard pattern of 2.4 to 4 hectare blocks. After about 10 years, the cutting method appears to have been successful in providing acceptable wildlife habitat and late winter cover for moose herds, while also maintaining an acceptable level of forest regeneration in much of the cut-over area.

The Blair study concluded that clear-cutting is less satisfactory than modified clear-cutting in meeting the needs of other users of the forest — i.e., hunters and trappers. Modified clear cutting, however, costs more; equipment must be moved more frequently; additional roads are needed; mechanization of forest operations is less feasible so that additional labor is usually required. Blair found that Kiashke's cutting methods did not appear to have affected wildlife to any appreciable degree — unlike the experience when large areas further north of the Gull River Reserve were clear-cut. Blair notes that a resident trapper, Pat Nawijjaick, observed reduced numbers of animals after clear-cutting.

Modified clear-cutting by Kiashke left behind blocks of standing trees which Blair found served as fire retardants. Further, these blocks helped to minimize drying of the soil cover; windfall and erosion were reduced and forest aesthetics (important to tourism and recreation) were maintained. Since highly mechanized cutting was precluded, damage to soil cover was limited. The forest that remained uncut guaranteed future income, since it will be accessible for cutting once regeneration is established in the adjacent areas.

The forest industry may well complain that modified cutting will force it to travel further for wood, increase costs and make the industry even less competitive in the United States, its major market. In addition, these additional costs, the industry may assert, could reduce employment opportunities.

Costs, I agree, are initially higher for modified cutting. But since companies under forest management agreements must now also plan for long-term continuous regeneration activities, modified cutting, from this perspective, is far from being as expensive as companies may think.

I must emphasize that whatever the forest industry imagines the effects of modified clear-cutting might be, Kiashke was able to use the method and supply wood under contract to a major pulp and paper company at a competitive cost. What is more, this was done despite longer hauls. In addition, Kiashke provided employment to local residents who might not otherwise have had jobs and was able to maintain levels of hunting, fishing and trapping for subsistence and commercial purposes acceptable to the local community.

The experience of Kiashke must make us all question the wisdom of proceeding to cut the northern forest in the same way that we have cut the rest of our forest in this province. There appear to be alternatives that are not only better environmentally, but also better for the well-being of local residents.

The Kiashke experience should also cause us to question the wisdom of permitting large-scale cutting in any part of the boreal forest before determining the extent of other resource uses, and in particular, subsistence food gathering activities. As I explain elsewhere in this report, these are inadequately documented in most of the north. How then can anyone rationally suggest that resource extraction take place before knowing the actual extent of such essential activities?

The Kiashke experience also suggests to me that tree cutting by persons sensitive to or directly affected by the continuing viability of the forest may result in less environmental degradation.

5.19 Recommendation:

That the Ministry of Natural Resources consider imposing the requirement that all cutting in environmentally sensitive areas and forest protection areas be contracted out to specialized cutting companies with demonstrated experience and expertise in environmentally acceptable tree cutting and removal.

5.20 Recommendation:

That the Ministry of Natural Resources consider providing incentives, training and accreditation programs to

northern-based enterprises wishing to acquire the skills necessary to offer specialized cutting services.

While I have outlined what a number of foresters have found to be the effects of cutting the forest, no environmental assessment of any cutting method or specialized cutting machinery has as yet been undertaken. This seems to me to be a prerequisite before the cutting standards I have recommended can be formulated. How can we know how best to cut trees and retain the forest environment without knowing the environmental effect of how we have been cutting trees?

The Ministry of Natural Resources has proposed a class assessment of forest management techniques, including cutting methods. The Commission's review of the most recent draft of this assessment concluded that it is a paper tiger. How can one propose a class or general assessment of a cutting method when its environmental effects are most likely to be local and specific in nature, dependent on soil attributes, and thickness, ground cover, topography, slope, drainage patterns, water courses and climate, to name some of the probable operative factors? What must first occur are actual assessments under the Environmental Assessment Act for proposed cutting methods for a representative variety of forest areas.

5.21 Recommendation:

That undertakings in which particular cutting methods are proposed for use in the boreal forest be subject to assessment under the Environmental Assessment Act and that class assessments of such cutting method not be permitted until an information base on the environmental effects of cutting methods in representative boreal forest areas has been generated from actual environmental assessments.

These environmental assessments would, I believe, contribute to the formulation of the "Standards for Cutting the Boreal Forest" I have called for in Recommendation 5.16. These standards should, of course, encompass all cutting methods, including modified clear-cutting, and the manner and circumstances in which such methods are to be used.

ACCESS ROADS

One unavoidable aspect of cutting the forest is the need for a network of roads to provide access to wood sources and transportation of the wood cut. We learned that as much as 10 per cent of a forested area may be used for roads; and that these roads are also needed for regeneration and future tending of new growth. They are crucial in fighting forest fires dealing with insect infestations and salvaging damaged timber. But they do reduce the total area of productive forest. I have concluded as well that only in rare instances do access roads not have substantial effects on the environment.

Forest roads have usually been built for forest industry purposes - that is, in response to the location of timber stands

to be cut. Full consideration is not usually given to the potential harm and side effects of providing road access to ecologically vulnerable areas, to isolated native communities or to wilderness lakes used by fly-in tourist camp operators. I found that access roads can allow sport fishermen and hunters to put additional and sometimes excessive pressure on fish and game stocks previously used solely for food by local residents. Heritage, archeological and historical sites are also placed at greater risk. Poor construction and maintenance practice at times cause erosion that results in siltation of nearby water bodies and some harm to fish stocks.

On the other hand, I have found that carefully located, well constructed and maintained routes can be beneficial. A community may support the establishment of road access, particularly if the timing of construction and control over access use meets community needs. These roads can also serve to distribute sport fishing and hunting pressures over larger areas, help meet conservation objectives and reduce potential conflicts with subsistence users. What this suggests to me is that access roads need to be planned and that planning should involve not just government and the forest product company, but also affected communities and individuals.

The Northern Development Authority should contemplate integrating the planning of access roads into whatever land use planning systems evolve. I also envisage that the Authority may require the negotiation or imposition of a resource use agreement as a precondition of construction of some access roads. It should have the power to do so.

In this way, the Authority would achieve what I believe must be the overall objective for access roads - that they be built with an eye for all possible uses rather than just those related to the objectives of a forest product company - that they be built and maintained to benefit the people, the communities and the environment of the north as well.

5.22 Recommendation:

That the Northern Development Authority be empowered to require that a resource use agreement be a condition to commencement of construction of access roads north of 50.

Each road into the north is unique. As a result, they cannot be lumped into a class and subjected to reduced environmental assessment as the Ministry of Natural Resources would have it. The Commission's published study, The Road to Detour Lake, describes in some detail the processes involved in securing approval, locating and constructing a major access road to a mine site in a remote northern area. In my opinion, the study dramatically shows the need for assessment of all such roads under the Environmental Assessment Act before the final locations of such roads are selected. This will occur if recommendations I make in Chapter 3 are implemented.

REGENERATION

On the basis of the Commission's review of the supply of timber in the province, and in the north, I have concluded that the limits of softwood supply have been reached. Regeneration is therefore an essential prerequisite to the continuing viability of Ontario's forest products industry and to the return of cut-over areas to productive growth for the benefit of all forest users.

Regeneration is the regrowth of the forest; it may or may not occur naturally. It may be encouraged and in some situations, may be possible only through human intervention. This can involve preparation of the site, planting of seed or seedlings and later tending, fertilizing and thinning.

The Commission heard testimony and reviewed considerable evidence on the subject of regeneration; frequently stressed was that the original species (in the north, mostly conifers) once cut do not usually return in their original numbers. Deciduous "weed" trees (such as poplar) tend to dominate second growth in the north when mixed stands are cut.

Of even greater concern is the fact that more than 30 per cent of all forest areas cut in Ontario have not regenerated naturally. Even south of 50, there is cut-over land which although initially regenerated artificially is now barren or has only minimal plant cover. The conclusion is clear - for regeneration of the boreal forest to be effective, continuous artificial methods are just as essential as the modified cutting methods I have described earlier.

There are also special benefits from artificial regeneration: it permits a choice of the trees to be planted and helps ensure the dominance of faster growing more commercially valuable species. Artificial regeneration techniques, however, are not foolproof; in some places, intensive seeding, planting and tending have led to only minimal regrowth. On occasion, errors in species selection have prevented regrowth. Yet, over all, artificial regeneration has tended to produce a better crop of trees than existed in the original forest.

I presume that the Ministry of Natural Resources assesses the success or failure of regeneration in a continuous fashion. Yet there is little evidence of this. Considering the amount of controversy about the extent and allegedly widespread failure of both natural and artificial regeneration, it is strange that the Ministry does not regularly release information or statistics about these matters. The people of Ontario should be informed regularly about the extent and success or failure of such regeneration. The many roles of the Ministry and its concerns for resource production, resource based employment as well as resource conservation cause inevitable conflict, or at least the appearance of it. This has led to repeated calls for independent review of forest management.

Debate over just what regeneration has been done, and with what result, should be based on independently certified facts, not just reluctantly provided, one-sided information.

5.23 Recommendation:

That an independent Forest Audit Agency be established with powers, obligations and independence similar to those of the Provincial Auditor.

5.24 Recommendation:

That the Forest Audit Agency inspect, monitor, measure and report upon the condition of the province's forest and all aspects of forest management; and that the Agency be headed by an Inspector of Forests whose appointment is subject to the approval of the Legislature and is for a term of years and level of remuneration that ensures independence.

5.25 Recommendation:

That the Inspector of Forests should report to the Legislature annually on the condition of Ontario's forests, the conduct of forest management, the success or failure of management techniques including regeneration and the performance of sustained yield and other obligations imposed by forest management agreements on forest product companies and the Ministry of Natural Resources.

While dealing with matters of independence and accountability, I must say I was shocked by the disappearance of the post of the Provincial Forester. This official at one time was the senior public servant in the provincial Government responsible for the conservation and use of Ontario's forests. The position now seems to have been relegated to the second tier in the Ministry of Natural Resources bureaucracy and given the designation: "Executive Co-ordinator, Forest Resources Group".

I believe the people of Ontario need to know who has operational responsibility and is directly accountable to the Minister of Natural Resources for the management of their forest.

5.26 Recommendation:

That the post of "Provincial Forester" be re-established within the Ministry of Natural Resources.

My Commission was unable to determine with any degree of accuracy the capacity for regeneration in forest lands north of 50. From my own observations and the limited evidence of others, the Commission has been forced, as I indicated earlier, to conclude that regeneration lags far behind cutting, but we can provide no estimates of the extent of this lag other than to conclude that it is substantial. I have no doubt that efforts are being made to reduce this backlog but the lack of reliable information also prevents me making any accurate reading of the

extent and results of these efforts. Part of this problem arises because very little is known about the regenerative capabilities of specific sites before the decision to cut is made.

What is clear though, is that extensive regeneration at vastly increased rates is required over the next several decades to ensure that Ontario's forest industry has the wood supply needed to feed its existing mills. This will be costly but there are no alternatives. What is more, regeneration must be carefully monitored to determine which measures are or are not working. Failures, if not quickly discovered, introduce further lags which will again distort estimates of presumed supply in decades ahead.

I think it useful to describe what the Commission has learned about regeneration and the extent to which various methods of regeneration may be relied upon. Natural regeneration is obviously less expensive and more likely to be successful in modified or shelter-cut areas. It too, however, must be monitored since it can be unreliable in some circumstances - for example, because of unpredicted variations in seed supply and climate. It is, nonetheless, the only feasible method for regenerating forest growth on shallow soils or on sites accessible only in winter. The real question is whether such sites should be cut at all in the northern reaches of the provincial forest. If there is any significant use or alternative, I believe the forest should not be cut.

Artificial regeneration is by necessity required for clear-cut areas. Even in clear-cuts, however, some trees are left standing. But these can only provide natural seeding for what the Ministry estimates is 10 per cent of the area involved. Artificial techniques normally result in initial regeneration of approximately 60 per cent of the area clear-cut. If we presume that a further maximum of 10 per cent is regenerated naturally, we have a 70 per cent area regeneration. There is also, I believe, an average minimal failure rate of about 10 per cent in areas being regenerated. It is clear, therefore, that our regeneration efforts must increase the volume of wood fibre per hectare by at least 30 per cent if the second forest is to be as productive and commercially valuable as the original forest.

The first step in artificial regeneration usually requires preparation of the soil surface; this involves exposing mineral soil by machine "scarification" (a form of tilling). Chemicals or fire are occasionally used to remove unwanted vegetation including the slash left behind after cutting. In some circumstances, these methods may, in fact, expand the size of available seed beds. Some areas in the boreal forest cannot be scarified (for example, black spruce swamps cut during winter).

Site preparation is most often followed by manual planting of seedlings; the Ministry of Natural Resources informed the Commission that this technique is more successful than mechanical planting or seeding. Once the seedlings have grown into small trees, regeneration is enhanced by removing unwanted trees; tending and thinning, or "cleaning", as these practices are called, contribute to steady growth of larger volumes of timber.

Cleaning, in most instances, is done manually, yet is not widely undertaken. The Ministry indicated that cleaning is rarely performed in clear-cut areas, with the result that undesirable species grow unchecked and regenerated commercial timber volumes are lower than they might otherwise be.

Few steps are taken in these areas to control infestations of pests. Indeed, insecticides have been applied in recent years to about only one per cent per annum (roughly 10,000 hectares) of the province's productive forests. The Ministry of Natural Resources estimates that only 10 per cent of cut-over areas are cleaned manually, though chemical cleaning with herbicides is a growing practice; 10,600 hectares were treated in 1982/83 and 23,125 hectares in 1983/84.

Failure to assess the environmental consequences of these procedures could in my view be disastrous to northern ecologies. We do not know enough at this time about how these sensitive areas react to outside agents. In particular, I firmly believe we need to know much more before permitting wholesale use of insecticides. The recommendations made in Chapter 3 would cover, if implemented, such uses of chemicals.

The assessment of environmental consequences I have recommended should not be permitted to delay regeneration efforts. In particular, if we are to make up for the decrease in timber volume that appears to occur after clear-cutting, regeneration activities must commence soon after cutting and be expanded to cover the bulk of the forest land that has been cut over.

5.27 Recommendation:

That the Ministry of Natural Resources take all necessary steps to ensure that seedlings with genetic qualities of faster growth and larger timber volume be planted on at least 80 percent of cut-over areas immediately after cutting or as soon as weather otherwise permits.

We must, as well, recognize that artificial regeneration can save up to 10 years in the time it takes for a regenerated forest area to be cut again. Such time-saving should encourage the province to expand its artificial regeneration efforts as much as possible. Provision should also be made for replanting the areas in which regeneration has failed on a continuous basis.

I have concluded that follow-up regeneration efforts - known to foresters as intensive forestry - must be substantially increased if sustained yield forest management is to become a practised reality. Most regeneration currently involves "basic" forestry - that is, site preparation, seed and seedling production, seeding and planting. This has increased greatly in Ontario in recent years. Intensive forestry on productive sites - from which some foresters are firmly convinced can come larger volumes of commercial timber than those cut from the virgin forest - calls for spacing of juvenile trees, extensive thinning and fertilization.

Ideally, in the view of Professor F.L.C. Reed, a professor of forestry policy at the University of British Columbia, we should each year be spacing and thinning juvenile tree crops in areas equivalent in size to those artificially planted. Moreover, since fertilizer can reduce by five to 10 years the time required for a near mature stand to achieve timber volumes that make cutting commercially viable, we should, if at all possible, be fertilizing all suitable areas.

5.28 Recommendation:

That the Ministry of Natural Resources take whatever steps may be necessary to expand intensive forestry activities by the Ministry and licensees, such as thinning, spacing and fertilization, so that by 1990, all areas artificially seeded or planted are spaced and thinned at intervals of time acceptable to the Inspector of Forests.

I have already said that the province must ensure that we regenerate the back log of forest land that we have failed to regenerate properly within a reasonable time. To accomplish this goal and to carry out the basic and intensive forestry that sustained yield forest management requires will obviously involve a substantial increase in provincial expenditures. This will be directly offset to some extent by the employment I believe will be created by a much expanded regeneration effort. But the Government may find that the hard reality is the need to raise taxes and stumpage fees in order to obtain the necessary monies. I do not believe there really is any choice in the matter if we want the forest to continue to be the contributor to the provincial economy that it has always been.

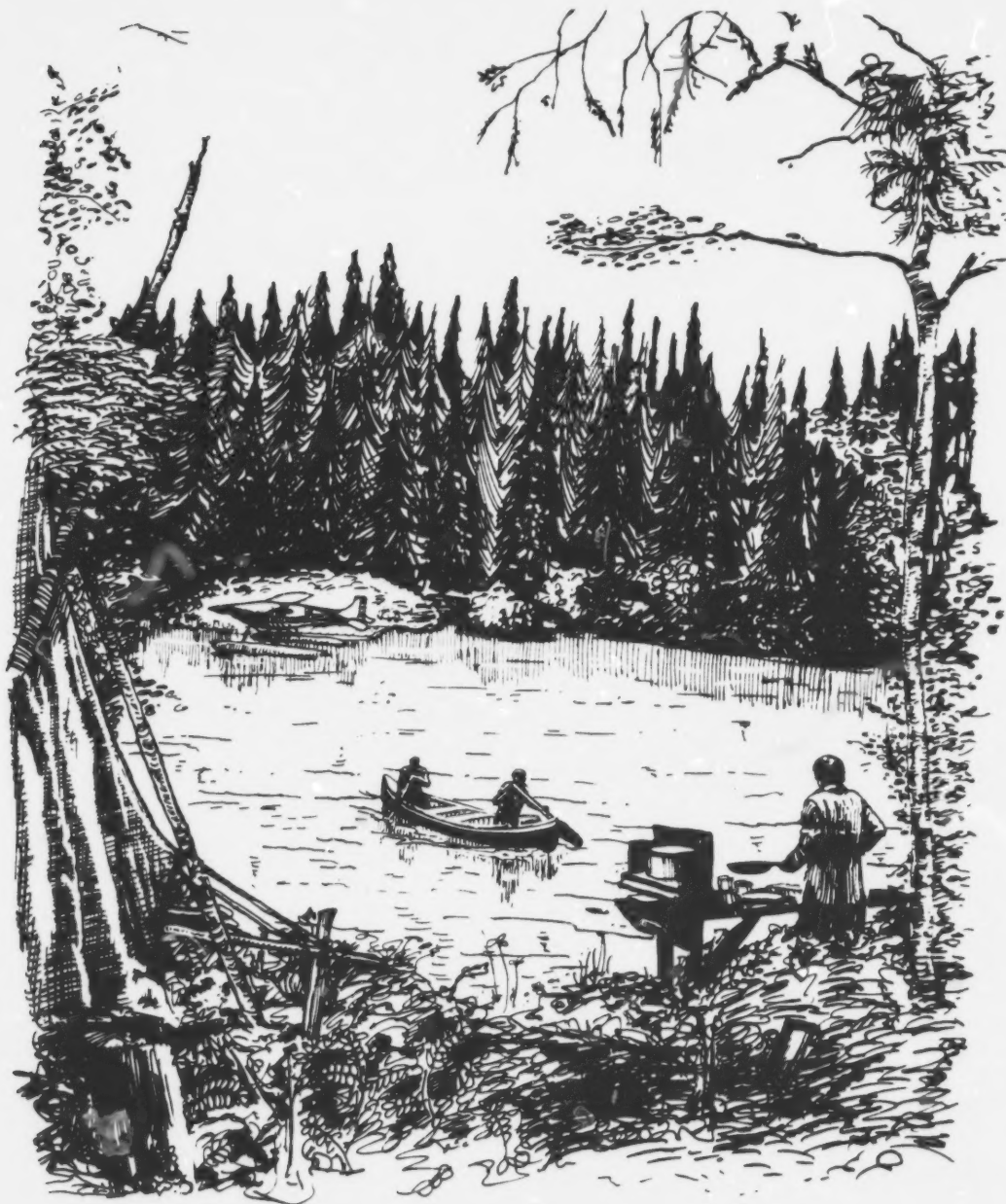
There are those who will argue that expending more money on Ontario's forest is foolhardy if the forest products industry cannot compete internationally and if there is not going to be a long-term demand for our wood products.

The current and best view of the industry's prospects (the May, 1984, report of the Ontario Economic Council mentioned previously) is that it is alive, well, competitive and will remain so for the foreseeable future. Shrinking timber supplies are the industry's major constraint and may mean that it will not be able to expand its processing capacity.

What, then, of the market for the province's products? On the basis of information gathered by the Commission, I have concluded that there will continue to be substantial demand for Ontario's forest products well into the next century. Indeed, the Ministry and the Government of Canada have estimated future demand projections that have caused them to adopt and set an expanded national wood production target. This target, which was endorsed through the Canadian Council of Resource and Environment Ministers, calls for 200 million cubic metres of wood by the year 2000 which is approximately 40 per cent above 1981 production levels. It amounts to an average annual increase in production of about 1.8 per cent as compared with the UN Food and Agriculture

Organization's projection of 2.1 per cent per annum increase in world demand for industrial round wood over the same period.

So demand is not a problem. Without good quality trees to cut and process, however, demand is a hollow concept. So too are all of our land use planning exercises. They assume a supply of timber which does not yet exist and never will unless we honestly, and intensively act to restore the trees we take from this once bountiful but now threatened resource, our forest. Without it, the northern environment will be a northern desert.



The Northern Forest

THE MINING INDUSTRY

MINING - SEARCH, DISCOVERY AND TECHNOLOGY

A revival of the search for gold with its aura, distinctive atmosphere, stimulus, hope and fulfilling enrichments that gold discoveries never fail to produce is the mineral industry's challenge to the Government of Ontario: to re-establish the climate proven to have been so successful in its past history when it promoted development of the northern frontiers which led to additional diversified spin-offs in other natural resources.

It is of the utmost importance to reflect on the historic significance of gold mining to the economy and stability of the province. When the 1929 economic depression struck, the Porcupine/Kirkland Lake gold mines provided an anchor which shielded Ontario from the full severity of these destructive ensuing years. In 1939, with the outbreak of World War II, mining supplied Canada and Ontario's need for gold to finance its war purchases from abroad. A continuing anchor in the years ahead may be Ontario's Hemlo and Detour areas, major new gold districts which may challenge the record of the Porcupine/Kirkland Lake district as their full potential unfolds in yet another time of world financial stress and unemployment. As the old Chinese proverb signals: *"Gold is tested by fire, man by gold"*.

Little is known about mineral reserves or real potential in this vast territorial one-half of Ontario's land area (543,900 square kilometres) lying north of the 50th parallel of latitude. While it is composed of bedrock assemblages which are known to host economic mineral deposits as can be found in the districts of Red Lake, Pickle Lake, Uchi Lake, Sachigo Lake, Confederation Lake and Favourable Lake, the area's true full mineral potential is simply unidentified. The area is bounded by the CNR railway line in the south, Hudson Bay and James Bay across the north, Manitoba along its west and Quebec along its east flanks.

Ontario is built on a foundation of Precambrian rocks which form one major craton, or platform (commonly known geologically as the "Superior Province", pre-2500 million years of age), occupying the central part of the Canadian Shield from longitude 68°W to longitude 96°W. It is composed of intensely deformed and metamorphosed sedimentary and volcanic rocks and granite intrusions occupying a central position, all of which encircle and underlay a most predominant geographical feature — the waters of the Hudson and James Bays. A thick flat-lying strata, Phanerozoic sediments (sandstones, limestone and shales) form the floor of the two bays, geologically referred to as the Hudson Platform. They extend south into the shore lowlands for 322.6 kilometres, overlaying the Precambrian in the Hudson Bay basin.

The region under study north of the 50th parallel straddles the two main bedrock assemblages mentioned — the Precambrian and the Phanerozoic. Both of these are mantled by varying thicknesses of geologically young, unconsolidated deposits — gravel, sand,

silt and clay sediments, and heterogeneous materials — laid down during the last ice age and afterwards.

The Precambrian Shield underlies the central and western parts of Ontario north of the 50th parallel. This is an area of rolling terrain, at places quite rugged such as the Sachigo Hills at the 54th parallel which rise 360 metres above sea level. Where the overburden within this area is moderate to shallow, prospecting and exploration has uncovered several significant occurrences of precious metals and metallic minerals.

The Lowlands region is underlain by the more recent Phanerozoic rocks, which in turn overlie the Precambrian in two main basins, separated by the Cape Henrietta Maria arch. Over most of this arch, the Phanerozoic layer is thinner than in the basins and Precambrian rocks protrude above the general surface of the Lowlands at a few places — notably by the Sutton Hills which rise to 260 metres above sea level.

The Precambrian rocks immediately south of the Hudson platform are significant, having proven to host a great diversity of economic mineral riches. Centering on Cobalt, the great silver discovery of 1903, and within a radius of 240 kilometres from its hub, there are located the remarkable mining districts of Porcupine/Timmins, Kirkland Lake, Gowganda, Larder Lake, Temagami, Sudbury and Elliot Lake; and in Quebec — Noranda/Rouyn, Malartic, Val-d'-Or and Temagami. Collectively, this historic mining area produces new wealth in silver, gold, nickel, copper, platinum, zinc and uranium. Within the same geological area, a new mineral district of consequence unfolds 300 kilometres north of Cobalt — the "Detour" area — at the edges of the Lowlands.

This entire area demands continued geological input, as well as expanded research and development to gain more information on this vital region that is home to many polymetallic as well as precious metal mineral deposits and, unquestionably, other unidentified potential.

MINERALS - SEARCH, DISCOVERY AND TECHNOLOGY

Of all of our planet's natural resources, minerals are without question the most unique. Emanating from the bowels of the earth, held captive by the earth's crust and further hooded from sight and exposure by a mantle of unconsolidated deposits, minerals in their various forms command all the ingenuity, persistence, determination, experience, wisdom and expanding technology of man to unravel the mysteries of this ever-challenging resource. Nature, the Creator or whatever, has an exasperating tendency to tease, confuse and contradict assumptions as it proceeds to guard and withhold its mineral secrets.

Unlike the farmer, the miner cannot create a new deposit in mined-out areas to compare with the growing of a new crop to replace the annual harvest; unlike the fisherman, the miner cannot return to the same banks; and, unlike the forester, the miner cannot rotate around a perpetual forest. No, the miner is different! He has no option to rotate around a renewing resource.

He is of the engineering science, a specialty in the true sense of the word, and administration of his industry has no place in a catch-can government box where his science is not fully understood and recognized. The innovation and entrepreneurship of mining personnel is a force that probes the earth's crust to discover and expose the new resources for productive use. The miner must annually recharge his enthusiasm to continue the search for new mineral deposits and negate any disappointment of year past. Fortified by natural enthusiasm, experience, knowledge, expectancy and progressive technology available, the miner renews his search for ore deposits well aware that ore is where you find it and only persistence and dedication can spell fortuity (and lady luck, somehow, may become involved).

*To each belongs a talent.
Precious is the prospector's delight
when he, in success, can add a
dimension to Ontario's future!*

HISTORY

The Canadian Pacific Railway was completed across Ontario in 1884, following a route along the north shore of Georgian Bay through Sudbury and on north of Lake Superior to Fort William and thence westward through Ignace and Kenora to Winnipeg. While nickel mineralization had been recognized by Government geologist Alexander Murray in 1856, it took construction of the railway through the area before any serious attention was given to the presence of copper and nickel mineralization that was to open up the greatest nickel deposit in the world. As the story goes, some Americans were developing an iron deposit to the southeast of Sudbury and had built a railway to transport the ore when they found the iron unsaleable due to excessive sulphur content. Shocked by their losses, the principal of the group contacted the general manager of the C.P.R. in whose offices he showed some samples of rock from a rockcut west of Sudbury. The end result saw the opening of mines at Copper Cliff and Stobie in 1885. Subsequently, the great nickel/copper mines of the Sudbury Basin were defined, developed and brought to production by INCO Ltd. and Falconbridge Ltd. whose exploration and development programs of the Basin continue.

The completion of the National Transcontinental Railway (now Canadian National) in 1914, opened a continuous rail route in the area of the 50th parallel. The railways marked the beginnings of overland east-west transportation and the establishment of new communities along the route.

The silver mines of Cobalt, discovered while constructing the Temiskaming and Northern Ontario Railway, not only excited the nation but set going Ontario's mining industry and firmly laid the foundation for a strong mining fraternity of prospectors, applied and economic geologists and engineers whose exploits fill the annals of Canadian mining. Their early exploits were indeed heightened through their remarkable foresight and wisdom in the midst of early success to survey the future and recognize the immediate and imperative need to fulfill the curiosity of northern

youth in the future potential of this new and formidable industry that was releasing a basic flow of wealth into Ontario's economy. In 1912, they initiated and supported the introduction of special classes in mining studies at the new Haileybury High School. Located at the heart of the action, where the science was being applied, their students wound up in the Cobalt silver camp eight kilometres to the south. Mining companies and the fraternity were determined to expand the mining studies and equipped a separate centre of mining instruction and technology, and again expanded in 1929. Today Ontario is rightfully proud of the Haileybury School of Mines and its ongoing graduate stream.

Unfortunately for Ontarians, as new high schools were progressively opened in the north and northwest, the Ministry of Education failed to recognize the wisdom, impact and success of the Haileybury example and implement studies conducive to the region's resources such as mining, forestry, commercial fishing and trapping. Crucial to the development process across the frontier is an educational system which relates to the natural resources of the region. While northern schools continue to recommend more curriculum studies relevant to their area, theoreticians resident elsewhere continue to rule.

The impact of Cobalt (silver production rose in 1911 to 31,507,191 ounces) was all encompassing to the point of finance. The source of new capital, originating out of mining activity went forward to grubstake prospectors and finance developers, re-investing in the future of mining.

Out of Cobalt moved these experienced, practical prospectors geologists and engineers (1906-11) in fresh waves of search and discovery to reach high points of success and a torrent of discoveries and development in what was to become the fabulous gold belts of Porcupine (Timmins) and Kirkland Lake. These successful efforts quickly established Canada as the world's second largest producer of gold, (an honor Ontario, if a nation, could have claimed).

Spurred on with finances supplied by their own industry, and the successes in the Porcupine/Kirkland Lake and northwestern Quebec camps the wave of prospectors rolled with momentum to the north and westward along the National railway to the Patricia area and by canoe and dog team to Red Lake where the Howey mine led the trail. This discovery over 160 kilometres from the steel precipitated the advent of air transportation in the 1920's.

Other prospectors found success along the shield in Little Long Lac, Geraldton and Beardmore. With the expansion of air transportation manned by similarly enthusiastic bush pilots, it became possible to reach deeper and deeper into the frontier to points such as Central Patricia, Pickle Crow, Favourable Lake, Sachigo, Confederation Lake and Uchi.

The prospector with his pick and canoe was first to pierce Ontario north of the 50th parallel. He was in search of "gold", that most favored mineral whose market took everything you could produce, and the refined product did not require a railway or road to get it to market. Nevertheless his interest did not rest

there, as he took note of all rock formations and recorded any base metal mineralization present, as well as the tree species and quality of the surrounding forest, the fish common to the waters he travelled and the wildlife and waterfowl present. When you left the railway towns, mining was responsible for building the new northern communities, many of which today have become service centres, transportation corridors and the hub of a more diversified economy by accommodating other resource industries such as tourism and logging.

THE IMPACT OF THE MINING INDUSTRY ON ONTARIO'S ECONOMY

Canada is the world's largest per capita mineral exporting nation while Ontario is the largest producer of metallic minerals in Canada and the second largest mineral producing province.

The Ontario mining industry in 1984 employed directly approximately 28,000 people, created \$4.4-billion in wealth, being one of the few enterprises to release a basic flow of new wealth into the economy. The industry's annual direct costs include approximately \$1-billion in wages and salaries, \$350-million for fuel and electricity and \$530-million for process supplies. Excluding corporate taxes, the province received mining revenue in the amount of \$31.9-million in 1984; (\$160.5-million in 1981).

Ontario's primary mining industry enhanced the basic strength and material well-being of the province by creating new wealth (money) in gold/silver and by producing a diversity of metallic minerals which effectively positioned Ontario to initiate and expand as the leading manufacturing province in Canada in primary metal industries, metal fabricating industries, transportation equipment industries and electrical products industries, that collectively employed 307,196 people in 1981 and produced a value of shipments of goods (of own manufacture) totalling \$42.455-billion with value added of \$16.815-billion for a gross of \$59.270-billion.

EXPLORATION

The mining industry must maintain its search for new mineral resources to survive. The immensity of the industry's annual input is illustrated by their exploration bill for year 1983 that totalled \$171-million in Ontario alone. It is noteworthy to recognize the immensity of this exploration bill which means an investment of almost one-half million dollars a day every day during 1983, or \$20 for every man, woman and child in the province for the year. No other industry undertakes chance investments of such proportions in search of its resource. The fact that being involved in the biggest game of blind man's bluff has, from time to time, paid off in unpredictable but impressive discoveries, does not alter its essentially risky character.

An example of such risk is to be found in Pickle Lake, 320 kilometres north of Ignace, a thriving community that came into being in the early 1930's. Here, two major producers — Central Patricia and Pickle Crow gold mines — were steady producers of gold until Central Patricia closed in 1950 and Pickle Crow in

1967. The community then became a transportation centre and exploration for new mineral resources was increased. In 1974, Union Miniere Explorations and Mining Corporation (UMEX) announced it would open a copper mine at Pickle Lake. In 1976, Umex (the Thierry Mine) was brought to production at a cost of \$110-million with 330 employees. The company proceeded to provide modern housing and build 94 new homes, two apartment complexes and a trailer court accommodating 45 units.

Unfortunately the price of copper dropped and, in early 1982, the company, having suffered accumulated losses of some \$65 million, was forced to close and put the mine and new townsite in wraps to await an improvement in the price for their product.

A community experienced in the land of hard knocks, Pickle Lake today is vibrant with prospectors and development projects centering on gold, determined their town will prosper again, as every indication of success continues to unfold through new finds in the area.

Currently, the industry, led by long-established Canadian-owned mining companies, has committed between \$750-million and \$1-billion to mine development and mill construction in Ontario. It exemplifies how mining continues to lead the way in northern development by their programs at Detour Lake, Hemlo, Opapimiskan Lake, Pickle Lake, Sturgeon Lake and Cameron Lake, thereby expanding Ontario's golden horseshoe while extrapolating extended geological knowledge into the mysteries of the science.

The breadth of the industry's further impact on Ontario's economy is set out in the following quotation from the Ministry of Natural Resources, Mineral Resources branch paper The Role of Mining in Ontario's Economy: *"Metal mining, smelting, refining are the most highly value productive of all of Ontario's major goods producing industries. The value added on average per worker per year, for metal mining, smelting and refining (total activity) is approximately 30 per cent higher than the average for all workers in Ontario's industries. The value productivity per worker, for total metal mining (excluding smelting and refining) is about 90 per cent higher than the average per employee per year, for all workers in Ontario. (Clearly, more wealth is created by a miner than by a smelter or refinery worker.) Comparing this with specific other industry sectors, value productivity for total metal mining is 150 per cent higher than for textile workers, 66 per cent higher than for food and beverage workers, 98 per cent higher than for workers in the machinery industries; and, in comparison with the relatively higher value productive industries, metal mining is 44 per cent more value productive than the transportation equipment industry and 38 per cent more productive than chemical and chemical products industry."*

"Looking at value productivities of the other indigenous factor of production, i.e. land, the value produced per acre per year for all Ontario mining is over 155 times as high as the value produced per acre per year for Ontario agriculture; this figure ranges from a multiple of about 32 if compared with wheat, down to a multiple

of about 40 compared with fruit. Compared with the Ontario forestry industry, the value productivity per acre of mining is about 7,000 times as much. These figures should be viewed in light of the fact that the area directly affected by mining in Ontario is only about six per cent of the area taken up by all of Ontario's roads and highways.

"In terms of wealth creation and of the material welfare of the Province then the mineral sector contributes more on any significant input basis than any other sector of the Ontario economy. This means that a job created in metal mining, makes us all richer than a job created in any other industry and a job transferred from metal mining to any other industry makes us all poorer."

Mining is an industry that has played a formidable part in strengthening Ontario's economic position, has always paid its way and received little assistance from the taxpayers to maintain its health and expansion. Unfortunately, the mining industry lost its core position and recognition of its ongoing importance to Ontario within the Government of Ontario following the decision to abolish the world-respected Ministry of Mines. Mining is now included within the jurisdiction of the Ministry of Natural Resources along with forestry, parks, outdoor recreation, commercial fishing and trapping, a group of associates whose concerns differ greatly from those of the mining industry.

MINING AND GOVERNMENT

I have found from those involved in the mining industry that apprehension has developed with respect to the relationship between the mining industry and Government. They maintain that the amalgamation of the former Ministry of Mines has proven unsatisfactory. The mining industry believes it has been left without a minister to champion its respectful and earned place at the planning table in Cabinet. I have come to believe this is to the detriment of the province and the industry, particularly its prospectors, developers and operators who have been left on their own in an intolerable situation.

The industry cannot help but reflect on the progress, success and confidence it achieved in dealing with its urgent priorities under its own Ministry, when specialized staff in the field and Ministry's main office provided a uniform knowledgeable service to the industry and the public. Therefore, I believe the industry should once again have its own minister present in Cabinet to uphold both the industry's need to maintain mobility and the province's need to sustain the manufacturing industries which have grown out of mineral production.

6.1 Recommendation:

That the Government of Ontario recognize the full importance of the mining industry to its economy and the future welfare of Ontario by reinstituting the Ministry of Mines.

A highly unreasoned distortion of judgment has developed in the province whereby the prospector/entrepreneur, who set the pace

of Ontario's remarkable history in mining, is subjected to bureaucratic regulations with unending changes that restrict his normal options to raise money to undertake his exploration work or develop a mine (to the point of eliminating the junior mining industry and its speculative spirit). A prime example for Ontario is the now famous Hemlo camp where the prospectors had to resort to the Vancouver Stock Exchange to raise the funds necessary for their gold finds.

Mining is an individual engineering science industry dealing initially with sub-surface resources, highly dependent upon search, research, on-going experience and application to improve mining methods, and to advance the science in engineering, geology, rock mechanics, metal uses and world markets, and whose interests do not simply rest as producers of raw materials. Its natural affinity and interest lie with engineering manufacturing industries that use metal products, such as steel mills, machinery, electrical, transportation equipment and instruments, (which industries must maintain continuing research to develop new alloys to better serve the demands of changing needs). The mining industry must always be fully cognizant of these changes and to do so must keep posted and be involved with the engineering industries' research to understand and fulfill the mining industry's need to become more flexible in responding to changes in the demands for metals.

To keep Ontario's manufacturing engineering industries strong and competitive, the province must assess its priorities, and identify clearly the place mining is expected to play in maintaining Ontario's leadership and define government's commitment to promote its expansion. The world is moving to new needs for strategic minerals such as chromium, cobalt, tungsten and vanadium, as well as for new space age metals such as germanium, columbium, tantalum, titanium, yttrium, gadolinium, which clearly indicates the industry of mining has no sunset.

Ontario's mining industry has established a fine record in its commitment to improvements in the efficiency and economy of the industry through the principles of human relations (including building communities and services for the people in remote areas), technology, applied environmental protection and the careful extraction of the resource with particular attention to mine safety practices and mining methods that substitute machines for human muscle and reduce hazards at the workplace through automation and remote control. The industry's research into rock bursts and rock structures, delving into highly variable rock compositions (their strengths and weaknesses) that are often difficult to predict, is imperative research in which the Government should become deeply involved coupled with international research, as an ongoing necessary commitment to more safely guide and control mining.

6.2 Recommendation:

That in order to advance the rate of mine exploration and development in the north of Ontario, the Ministry of Mines increase its geological and technical staff to undertake

innovative research, mapping, geo-chemical testing, airborne geophysics and diamond drilling.

6.3 Recommendation:

That the Ministry of Mines continue to support research on rock bursts and rock mechanics in coordination with similar research underway in other countries to improve the ability to predict unsafe rock conditions in mines and enhance safe ore recovery in mining incompetent rock structures.

6.4 Recommendation:

That the Ministry of Mines review the appropriateness of existing taxes imposed on the mining industry and recommend reforms which would encourage greater exploration and development in Ontario.

MINING AND THE ENVIRONMENT

While I have outlined the effects of mining activities on the environment in Chapter 3, I would stress that what should be done to protect the environment is to be judged with reference to what is known to be technically feasible, practical and economically reasonable. The starting point in any new project area is the best existing technology.

It is recognized that mining as an industrial sector, an economic growth engine, has by its needs of nature the potential to abuse the environment, and therefore recognizes that its activities must be controlled as closely as that for any other potential polluter.

The first guardians of the environment are the people. In the case of mining, the location of the economic mineral find dictates where the mining plant is built. The industry has had the responsibility of building the housing and services for its employees. Located in remote areas, social and recreational life is built around the natural surround, the lakes, rivers and forest which provide both recreation and food supplement. Therefore, in those areas the industry is immediately cautioned by the people if any pollution from the operations are noted. As a result, the mining industry appears to have developed a real awareness for environmental protection.

Ontario is endowed with precious, enviable resources of fresh water lakes, fresh flowing rivers and streams. The fact that Ontario has command of a major proportion of Canada's waters brings responsibilities to Ontarians, requiring a mature outlook demanding effective, constant water control standards throughout the entire province.

The Government has exemplified its awareness of the need to maintain water quality, particularly during the last 10 years, in the north by investing large sums to fund improvements and construction of new sewer and water facilities in many northern towns and municipalities.

As yet there have not been any major environmental catastrophes documented in the northern region under study which could be attributed to mining activities. However, I have heard members of the mining community admit that some adverse environmental impacts have been associated with the industry in the past. However, from the evidence received by this Commission, the mining sector can be generally applauded for its efforts of the past 20 years to avert adverse environmental impacts. It is most assuring when senior mining executives demonstrate their awareness of the needs to protect the environment and waterways by their preparedness to make the expenditures necessary to do so.

Upon the Government's introduction of the Environmental Assessment Act of 1975, the Ontario Mining Association on behalf of its members indicated in its submission that the Association: "... supports the present Environmental Assessment Act. The procedures as set out in the Act have been the normal procedures in the mining industry in Ontario for some years now and have proven highly effective." In doing so, the industry referred me to the examples set by the Griffith mine located in Ear Falls in the midst of the tourism area and Packwash Provincial Park, the Inco mine at Shebandowan, the Mattabi mines at Sturgeon Lake, the inactive Theiiry mine in Pickle Lake, the inactive South Bay Mine north of Ear Falls and the inactive Temagami copper mine located on an island within a provincial park. Griffith Mine officials told the Commission that "The current popular belief that industry is not mindful or even neglectful of environmental matters is unfounded and has been disproven at the Griffith Mine."

Over the past 30 years the Sudbury mines have invested vast sums in research, new plants and prototypes to contain the sulphur present in the nickel/copper ores, successfully reducing their SO₂ emissions between 65 and 82 per cent. Not resting on any laurels, they continue to expend millions annually in efforts to capture the remainder.

Finally, the successes of the mining industry's environmental protection practices can largely be attributed to successful preoperational planning and the installation of environmental control technologies. As a result of public and political pressures calling for the implementation of such measures, mining companies have shown their support of environmental protection by their willingness to assume increased economic costs to ensure that their developments are publicly acceptable. They have recognized that it is far easier to keep the people of the development area informed and that it is cheaper to plan, install and protect than to pay fines and try to correct later. Aside from the improvement early action brings in public relations, such action also reduces the chances of expensive delays in the approvals process, and reduces the chance of having a project with high economic potential being misunderstood or dismissed. Public awareness is a new requisite of the times.

6.5 Recommendation:

That any new mining reduction mill or expansions of existing mills must incorporate the latest proven pollution abatement technologies and techniques into the design of the milling process.

I believe that mineral production will continue to be a bulwark of Ontario's financial and manufacturing strength, and so the search must continue. Given that the industry has no control over location, special consideration in the matter of land use is necessary. Whenever and wherever economic ores are found, serious consideration should be given to their development. Mines do not come easily!

Time has proven the stability of polymetallic mineral deposits such as Sudbury, Kidd Creek, Manitouwadge, Sturgeon Lake and South Bay across Ontario, even through depressed economic times, which spells a clear warrant to effectively broaden our information base in northern Ontario.

Ontario's formidable production of nickel, copper, uranium, zinc, iron, silver, platinum, cobalt, etc. -- those metals presently in greatest demand for our domestic industrial plants and the export market -- play a dominant role in Canada's mining, while providing the basic foundation to Ontario's engineering industries such as metals, machinery, transportation equipment, electrical and instruments.

Mining exploration across the vast area of Ontario north of the 50th parallel is relegated to move at a slower pace due to the area's remoteness involving greater costs for prospecting and development; geological mapping is incomplete; heavy overburden over much of the land resists effective penetration by modern exploration technology. Nevertheless, the mining industry is confident that many viable ore deposits remain to be discovered as research improves exploration techniques and further mapping is completed.

Optimism is the byword of the mining industry, noting that it took 50 years and the advance of geophysical instrumentations and technology to successfully penetrate overburden and discover major unidentified polymetallic mineral deposits as Manitouwadge, Kidd Creek, South Bay and Sturgeon Lake. Notwithstanding a highway through the area, it took 60 years of ongoing persistence and investment in the Hemlo area, begun in the early 1920's with the first geological survey and mapping in 1931, for a break-through into the sub-surface secrets of the area.

"It is the hour, while a vital resource industry's assemblage of wisdom, expertise and entrepreneurial skills amongst those involved in and associated directly with the industry remain high, that Government must apprise the industry's full impact and relative importance to the economy as a whole, to proceed and

define its future goals and expectations of it, and at the same time fully recognizing its own responsibilities to maintain the existing skill structure built and erect any necessary bracing on time to sustain this valuable bank of knowledge."



TOURISM

Ontario's stature and personality originates from its heritage of life's controlling and commanding element — water! Ontario's water resources are considered to exceed those of any other province, state or nation. Water defines Ontario's borders and is displayed in hundreds of thousands of lakes, rivers and streams within its boundaries. These waters expressively gave Ontario its name which means "sparkling waters".

In nature, water has the ability to surround itself with the forest, the home and habitat of all living things — fish, waterfowl, birds, the ungulates (moose, deer and woodland caribou), as well as other forms of animals and wildlife. Since time immemorial, water has provided the means of transportation and fixed the sites of industry, beginning with our pulp and paper forest industry at our western border on Lake of the Woods, then along the north shores of the Great Lakes to the industrial heartland in southern Ontario.

When you move north to the 50th parallel, you recognize a gradual change in the forest from the oak, walnut, birch, white and red pine of the south to the boreal (northern) forest of predominantly white and black spruce, jack pine, balsam and deciduous species such as birch and poplar; a forest of smaller sized trees but with the majesty retained. While you find the northern forest is different, it nevertheless retains the natural surround and elements for a healthy, creative tourism industry.

Readers of this report will recognize, how through actions proposed by the Commission (mandated to study how development north of 50 should proceed), the aesthetic wonders of Ontario's north will still be there for our upcoming generations to enjoy vacationing, hiking, canoeing, fishing and hunting, as well as for thousands of tourists from across Canada and other countries who wish to partake in the experiences and fulfillment to be found in the Creator's handiwork.

In fulfilling the mandate of this Commission, I have been governed by two overriding concerns: one is to find ways of ensuring that development north of the 50th parallel, when it occurs, proceeds in an orderly fashion, working in concert with and not at the expense of the environment — including people; the other is to explore various means of ensuring northerners are involved effectively in decision-making on issues which affect them. Such concerns must always be uppermost in our minds in dealing with the key field of endeavor which I believe will secure the economic future of the north — tourism.

The communities north of the 50th parallel consist of some 35 Indian reserves and settlements, divisional point towns built by the Canadian National Railway, lumber towns and towns built by the mining industry. In the case of towns built as a result of these industries, the winds of change resulting from industrial closures have forced most of them to look for new opportunities.

Significantly, tourism, a secure diversification abetted by the awesome grandeur and aesthetic beauty of these locations and surroundings — the forest and sparkling lakes and rivers — as well as the new road systems tied into the Trans-Canada and American highways, moved in to fill the void. The Government's program of regionalizing administration in northern communities has brought further stability to many of these towns, as have the improvement and construction of airports across the north including most Indian reserves.

Native people and other northerners north of 50 are understandably apprehensive that tourism could develop quickly without adequate sensitivity to their circumstances and interests; that most of the economic benefits will leak outside the region, while the adverse social and cultural impacts will be borne within it.

This must and need not happen. Therefore, in response to northerners' concerns and in recognition of the enormous impacts possible through expansion of this crucial industry, I commissioned a study on tourism which is being released in conjunction with my final report and recommendations.

This five-volume study, entitled Tourism Development in Ontario North of 50, was undertaken to obtain an assessment of opportunities available, a set of realistic alternatives for tourism development and a view of tourism's place in the spectrum of competing demands for the region's natural resources.

Specialized wilderness resource-based tourism — encompassing angling, hunting, camping and travel — is clearly the most appropriate type for the greater part of Ontario north of 50.

The inaccessibility of the north with its vast land, lakes and rivers allows it to lay claim to being a true wilderness. At the same time, it is a wilderness whose resources are limited by a hostile climate which, for instance, yields a new forest only once a century and which many northerners know only too well places firm limits on its bounty of fish, fowl and wildlife. In the south, resources seemingly renew themselves more effortlessly, with speed and increased reliability, reaping the benefits of more hospitable climates, longer and faster growing seasons.

While it is obvious some private investment has found a profit base in forests in the north, the number who can anticipate similar successful ventures in the future is seriously restricted. Indeed, I question for how long such activities can continue without their effects causing an intolerable impact on the lower profit yield but more durable tourism industry in the region.

The greatest number of submissions presented at the Commission's hearings covered tourism, recommending that this industry — having the least unfavorable impact on the environment — was the most acceptable industry for the north and recommended it be treated as a priority. While conflicts with other major industries such as mining, logging and subsistence gathering can arise it is nevertheless possible they could co-exist. The mining industry has already demonstrated in Shebandowan, Bruce Lake and

Red Lake how well it can co-exist with tourism. Native subsistence gathering is itself presently co-existing with native tourism enterprises. Where logging projects respect the need to protect the aesthetics of nature along the shores of our lakes and rivers and around permanent tourism investments, successful co-existence is in place.

Most of the visitors to the north are the clientele of the tourism industry, some of whom complain about the disturbance to the natural wilderness by other commercial activities. Tourism operators and their staff are, in fact, the hosts for our visiting public and I encourage them to speak with positiveness and pride about how northern Ontario effectively meets the pressures of resource multiple-use, which is being administered for the good of northerners and the province as a whole.

A PREFERRED INDUSTRY

I regard tourism as a major enterprise having far-reaching implications for social and economic development, resource allocation and management, and environmental protection in all parts of Ontario north of 50. And, for several reasons, I consider it to be a particularly appropriate enterprise for native people living in communities beyond the reach of the present network of all-season roads. The tourism sector clearly offers attractive opportunities for new development in the far north, with prospects for generating substantial income and employment for the people who have every intention of continuing to live their lives there. Tourism activities consume resources of the forest and stream, but need not deplete the basic renewable biological stocks on which they depend, provided those resources are managed according to sound sustained-yield practices. I am further convinced that tourism operations can co-exist over the long term with traditional, community-based trapping, hunting and fishing activities.

There are other reasons for tourism being the preferred wide-spread commercial activity in the north. In many cases, tourism has evolved successfully to become the north's survival industry for former one-industry towns. Having a direct relationship with nature, the forest, lakes and streams, it requires responsible stewardship of the environment to maintain a viable commercial activity as well as the resources which make it possible. A well-managed tourism industry also can provide continuing and long-term returns of revenues and employment.

I have looked at the other industries of the north and their limitations are obvious. Most of the land north of 50 cannot sustain a renewable forest operation, particularly in the Eastern half which is affected by the colder weather originating out of Hudson Bay and James Bay which projects as far south as the 51st parallel. In the western half of the region north of the 50, the area above the 52nd parallel also is affected by the arctic weather originating out of these bays. The effects of these climatic conditions, augmented by a thinner soil base, hinder forest growth.

Large hydro-electric projects appear unlikely since existing power generation capacities greatly exceed projected demand over the next several decades. Furthermore, hydro-electric development on the northern rivers which flow through the flat lowlands risk severe environmental damage by damming and flooding.

Mining, however, is localized in effect and is relatively unpredictable. Being mainly a sub-surface operation, it places minor demands on land-use and therefore can co-exist quite easily with the tourism industry.

7.1 Recommendation:

That the Government of Ontario formally adopt the policy that tourism be regarded as the priority commercial activity in Ontario north of 50, particularly north of the 7th and 11th baselines.¹

DESCRIPTION OF INDUSTRY, 1982

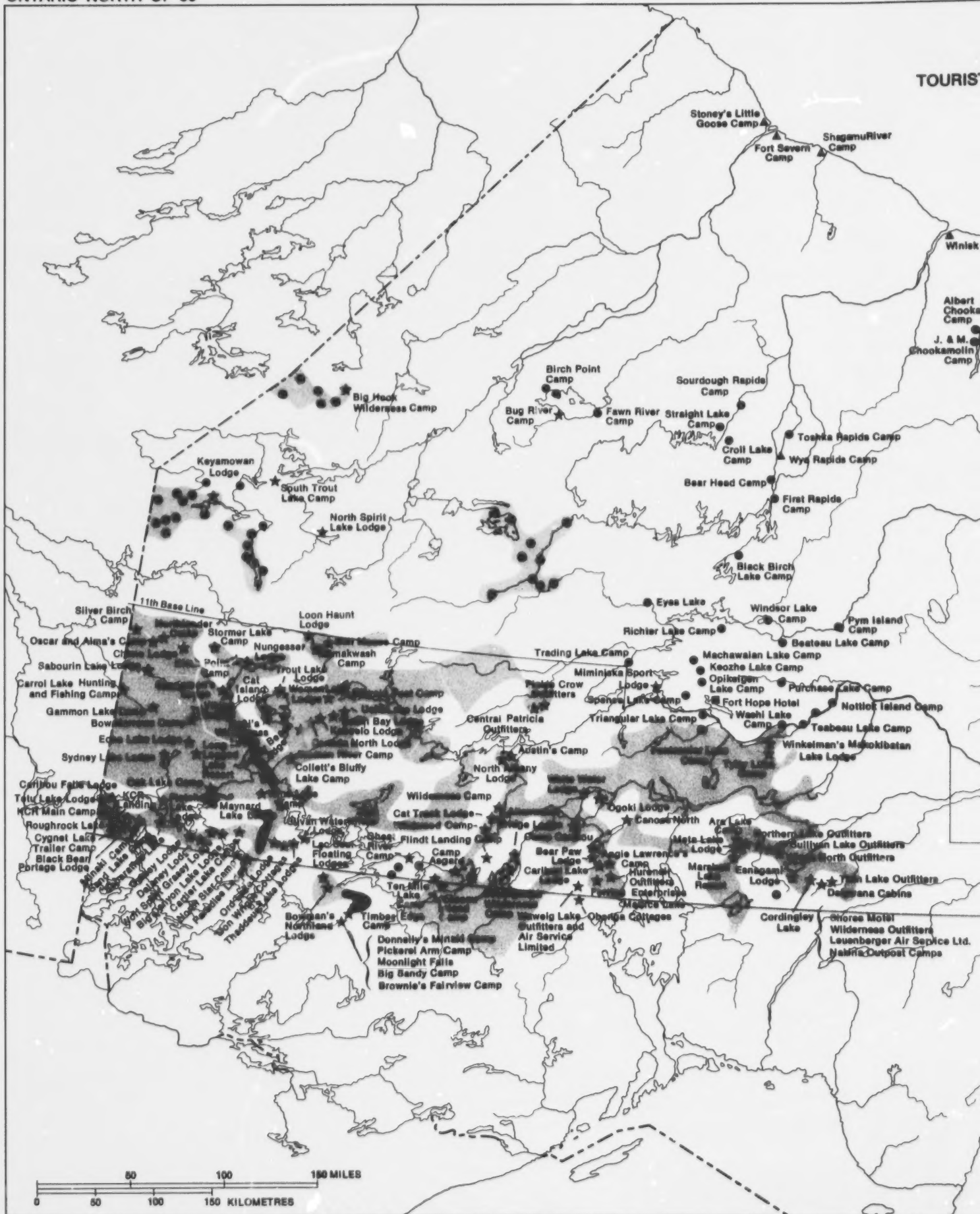
Facilities

Contrary to popular belief that the tourism industry is only a limited venture in the north, the fact is that a wide variety of tourism facilities already exist. While most are small in size, compared with those offered in southern Ontario, they are varied in the type of accommodation and activity being offered as well as being spread throughout the vast northern region.

As of 1982, there were 318 individual travel, tourism and sport camp enterprises in Ontario north of 50 — approximately 92 per cent of which were dependent primarily upon the tourist and sportsman markets, the others being general accommodation such as motels.

Exclusive of campgrounds and tent camp facilities, the group of enterprises contained 2,411 units (cabins, hotel rooms, motel units) having a capacity of 10,494 guests. These are markedly concentrated in the south-western part of Ontario north of 50 as can be seen on the accompanying map.

¹This boundary, which follows natural topographic divisions, was set by the Ministry of Natural Resources to arrest further non-native tourism development. It lies just south of the 52nd parallel to a point north of Armstrong, then south to the Albany River, east to the 85th parallel of longitude, then south to the 7th baseline (between the 50th and 51st parallels of latitude) then east to the Quebec border. (See Map)



TOURIST ACCOMMODATION AND SPORT CAMP FACILITIES 1982

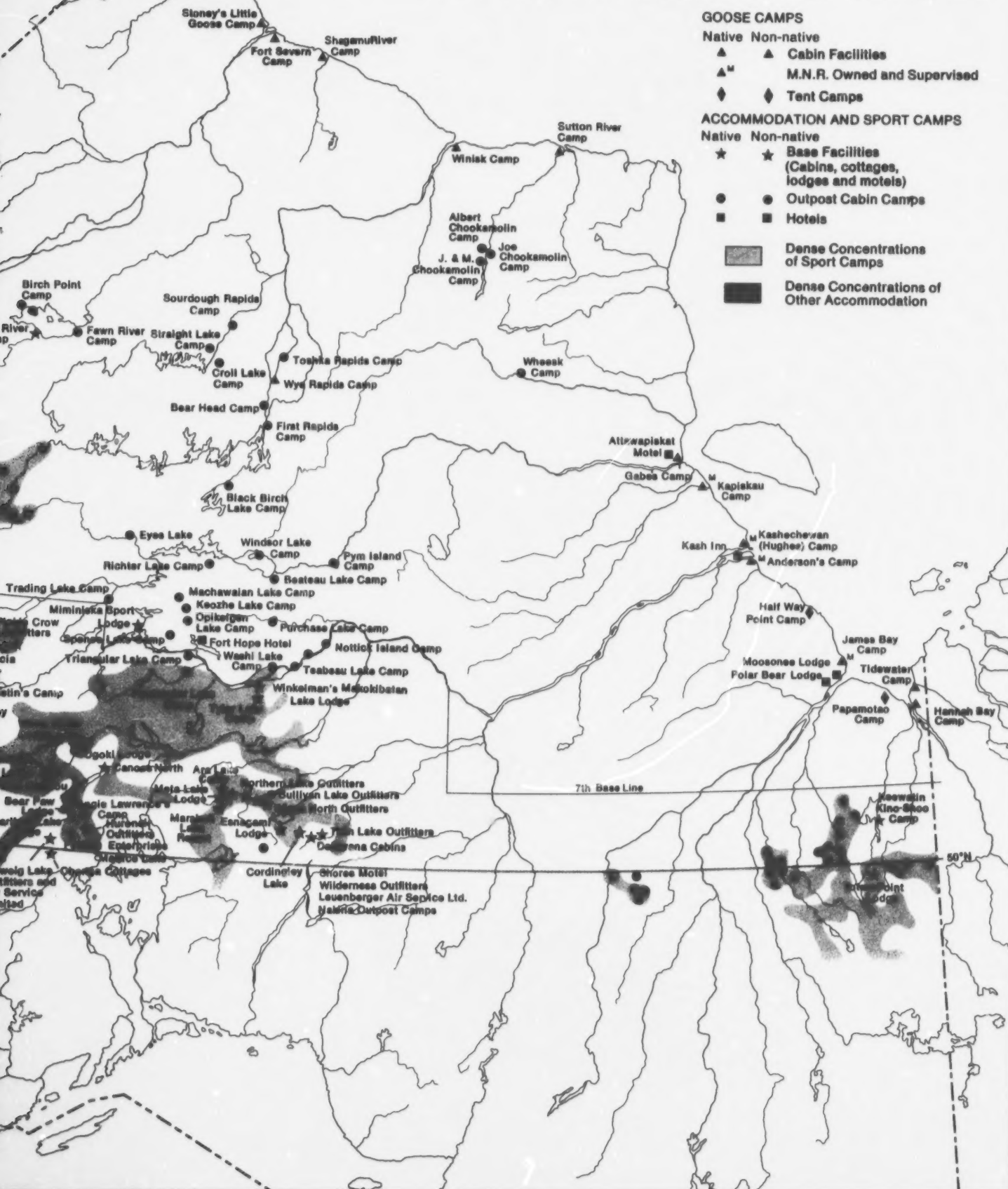


TABLE 1

THE SCALE AND OWNERSHIP OF THE TRAVEL AND TOURIST
FACILITY PLANT IN ONTARIO NORTH OF 50, 1982

Category	Indian Owned/ Operated/Managed		Non-Indian Owned/ Operated/Managed		Total
	No.	%	No.	%	No.
A. Primarily Dependent on Tourist and Sportsman Markets					
<u>Enterprises</u>	25	9	268	91	293
<u>Facilities</u>					
Base Camps:					
Operations	14	7	186	93	200
Units	74	5	1376	95	1450
Capacity	281	5	5866	95	6147
Outpost Camps: Cabin					
Operations	31	7	431	93	462
Cabins	52	10	477	90	529
Capacity	243	8	2733	92	2976
Outpost Camps: Tent					
Operations	2	4	55	96	57
Capacity	32	12	240	88	272
Campgrounds:					
Operations	-	-	27	100	27
Sites	-	-	438	100	438
B. Primarily Oriented to the Business Travel and Local Social and Entertainment Markets					
Hotels and Motels:					
Enterprises	3	12	22	88	25
Rooms and Units	15	3	447	97	462
Capacity	30	2	1341	98	1371

Source: Tourism Development in Ontario North of 50°, Volume Two, Tourist
Facility Development; 1984, p. 26, prepared by
W.M. Baker for the Royal Commission on the Northern
Environment.

About 81 per cent of the units and 87 per cent of the capacity was primarily tourism and sportsman market oriented. Only six per cent of the units with five per cent of the capacity are native owned and operated and are located primarily to the north of the Albany River and the 7th and 11th baselines.

There are 14 native-owned goose hunting camps in the Hudson and James Bay region of Ontario north of 50. The only non-native goose hunting camp is the Hannah Bay Camp owned by the Ontario Northland Transportation Commission.

About a dozen individual native enterprises operated 33 sport fishing camps in Ontario north of 50 in 1982. Some sport hunting was conducted from these facilities, primarily for moose and black bear, and most are located on the Canadian Shield to the north of the Albany River in the central portion of Ontario north of 50.

In recent years, some interesting and encouraging native owned and operated tourism-related accommodation and restaurant facilities have been established such as the hotel-type accommodation opened at Kashechewan and Attawapiskat in 1981. While sportsmen and other tourists can be accommodated in these facilities, the immediate main market is expected to be government personnel, business travellers and research workers. At Fort Hope, the local development corporation owns and operates a six-room hotel for business travellers and supplies accommodation to anglers and hunters in transit to sport camps.

Market Patterns

In the southwestern part of Ontario north of 50 that is highway accessible, participation in sport activities (angling, hunting, wilderness travel) is probably the main trip purpose for about 75 per cent of Americans and 50 per cent of Canadians vacationing in the area. The family holiday in which fishing, hunting, camping and sightseeing are combined in varying proportions is on the increase and probably represents the main future market for this part of the area under examination by the Commission. About 75 per cent of the guests of hunting and fishing lodges are Americans.

In the native-operated facilities in the far northern sections of Ontario north of 50, about 75 per cent of the sportsmen also are Americans. Residents of the northeastern (about 25 per cent) and north central (about 27 per cent) census regions of the U.S.A. dominate. Canadians constitute 25 to 30 per cent of the market. The off-continent sportsman market scarcely has been tapped.

TABLE 2
PURPOSE OF VISITS TO FISHING AND HUNTING CAMPS IN NORTHERN
ONTARIO, 1977

Main Purpose of Trip	Americans %	Canadians %
Sport Activity		
Fishing	84	34
Hunting	4	15
Wilderness Travel	<u>4</u>	<u>6</u>
Sub-Total	<u>92</u>	<u>55</u>
Family Vacation (some hunting & fishing)	10	28
Family Vacation (no fishing & hunting)	2	14
Camping/Sightseeing	1	3
Other	1	4
No Response	<u>1</u>	<u>1</u>
TOTAL (Multiple Responses)	107	104

TABLE 3

ORIGIN OF GUESTS BY GEOGRAPHIC LOCATION AT FISHING AND HUNTING
CAMPS IN NORTHERN ONTARIO, 1977

Geographic Origins of Guests	Ontario Tourism Administrative Districts							
	Cochrane/ Temiskaming		Thunder Bay		Kenora		All Northern Ontario	
	No.	%	No.	%	No.	%	No.	%
N. Ontario		20		13		2		9
S. Ontario		36		9		2		18
Sub-Total Ontario		56		22		4		27
Other Canadian		5		3		7		4
Sub-Total Canadian		61		25		11		31
N.E. USA		14		3		2		8
N.C. USA		18		62		81		53
Other USA		7		7		6		5
Sub-Total USA		39		72		89		66
Other Countries		1		3		-		1
TOTAL		100		95		100		
No Response	40		53		130		502	

Source: Tourism Development in Ontario North of 50°, Volume Two, Tourist Facility Development; 1984, prepared by W.M. Baker for the Royal Commission on the Northern Environment.

ECONOMIC IMPACTS

The Commission has not attempted to carry out what could only be speculative cost/benefit analyses of economic impacts.

While far greater study would be required to accurately gauge the local income impact of Indian sport fishing camps, it is safe to say that the total impact is substantial and meaningful in a community setting where there is limited investment income and employment opportunities.

In non-native communities as well, the impact of tourism is considerable, as the Town of Kapuskasing noted in its submission to the Commission during the Timmins hearings: *"Our future lies in tourism. With energy costs escalating rapidly and with the devaluation of the dollar, we will see more of our American friends vacationing in this part of Ontario. The overall investment in the tourist industry is comparatively less than for other industry and provides a good return - it is our best bet for the future in removing our total dependence on single resource based industries."*

The 1981 evaluation of the native-owned and operated Bug River Fishing Camp on Big Trout Lake gives some idea of the economic impact of such a facility. Total wages of \$22,952 were earned by Indian residents of Big Trout Lake. Payments to Indian managers totalled \$7,875 with guides earning \$40/day for a total wage bill of \$14,725. In addition to tips and boat rentals, an undetermined amount was spent in Big Trout Lake community for food and other purchases.

Such wage payments have an enormous impact on communities where employment opportunities are almost non-existent. And the Ministry of Natural Resources has long recognized the even greater employment and entrepreneurial opportunities — as well as local economic advantages — which can flow from successful tourism facilities when they are owned and operated by northern residents and communities, particularly natives. Indeed, a policy has existed which, with notable exceptions, has given natives priority rights in developing tourism facilities north of the 7th and 11th baselines.

The Kenora and District Chamber of Commerce made special mention of the economic and employment opportunities possible for northerners via an expansion of locally-owned tourism operations when it made its presentation to us at the Kenora hearings: *"In our view, this industry probably provides us our greatest future potential. Tourism is an industry which provides the great opportunity for individuals to develop small businesses which are labor intensive and thus offer great employment opportunities"*.

While I would not seek to eliminate non-northern or non-Ontarian ownership north of 50, I do adhere strongly to the belief that local residents and communities should have preferential opportunities to become involved in all tourism-related entrepreneurship and employment.

Tourism, as the preferred commercial activity, offers particular potential for northern native residents where some of the employment skills involved call upon the knowledge of wilderness and wildlife which traditionally exists among northern natives. Recognizing Indians' familiarity with the environment and its related skills, there is no reason why they cannot become developers and managers of tourism operations.

7.2 Recommendation:

That the Government of Ontario, and specifically the Ministry of Natural Resources, affirm a policy giving priority rights to residents north of 50 in the development of tourism facilities north of the 7th and 11th baselines, with a provision that Indians have first right of refusal for such developments for a period of at least five years.

This then would mean that for many areas with tourism potential, private tourism enterprises could be native owned and controlled. As well, joint ventures or other ownership accepted pursuant to resource development and management agreements negotiated through the Northern Development Authority are possible. This could allow a non-resident private tourism enterprise adversely impacted by other activities to relocate further north. I should note that among the non-resident operators are a significant number of American owner/operators as can be seen in the following table.

TABLE 4
AMERICAN OWNERSHIP OF TOURIST PLANT IN ONTARIO NORTH OF 50
1982

MNR District	Base Plant						Outpost Camp Plant					
	Enterprises		Units		Capacity		Number		Units		Capacity	
	No.	% (1)	No.	% (1)	No.	% (1)	No.	% (1)	No.	% (1)	No.	% (1)
Cochrane	-	-	-	-	-	-	-	-	-	-	-	-
Dryden	10	33	86	36	389	40	1	10	1	10	5	7
Geraldton	1	6	7	6	40	6	-	-	-	-	-	-
Hearst	-	-	-	-	-	-	-	-	-	-	-	-
Ignace	2	22	7	13	44	18	1	50	1	50	6	55
Kapuskasing	-	-	-	-	-	-	-	-	1	-	-	-
Kenora	4	20	29	18	146	22	1	4	1	4	5	3
Moosonee	-	-	-	-	-	-	-	-	-	-	-	-
Nipigon	1	14	2	6	10	5	4	7	8	13	32	9
Red Lake	28	40	205	41	890	44	26	23	30	26	196	28
Sioux Lookout	3	10	18	8	85	8	14	10	17	11	86	10
TOTAL	49	27	54	26	1,604	28	51	12	58	13	330	12

(1) Indicates American-owned percentage of total non-native plant.

Source: Tourism Development in Ontario North of 50°, Volume Two, Tourist Facility Development; 1984, prepared by W.M. Baker for the Royal Commission on the Northern Environment.

LAND TENURE

At this point I should explain the various types of land tenure employed by the Ministry of Natural Resources in allocating Crown lands for private use.

Patent: This is the most secure form of tenure with the land completely alienated from the Crown. MNR is reluctant at this time to issue patents for new tourist developments north of 50.

Lease: Security of occupation and use is available for a term of 10, 20 or 30 years but no tourist operation north of 50 has applied for such an arrangement.

Licence of Occupation: This allows for occupation of land for as long as MNR has no need for it and presumably could be in force for centuries. Again, no tourist operators have requested it.

Letter of Authority: Providing temporary use of a site for the purpose of resource extraction, this arrangement is widely used by highway construction companies but not the tourism industry.

Land Use Permit: The foundation of the sport camp industry across northern Ontario, these permits must be renewed annually and can be cancelled for a number of reasons including non-compliance with conditions or the Government's need of the land. Used for both tent camps (which are removed at the end of the season) and permanent camps (which remain on site), the permits are issued based on the capacity of a water body to support a sport angling facility or the land for a hunting operation.

It is the Commission's belief that security of land tenure north of 50 is extremely limited and, as such, poses a disincentive for expansion of existing tourist operations and the establishment of new, first-class tourism investments in the future.

If we are serious about the impact of this industry on the the future of the north, the current system of tenure must change to give operators a more secure land base. Long-term land security is necessary not only to encourage individual initiative to develop and expand, but also to provide the operators with sound collateral and secure prospects as they, like all other entrepreneurs, seek out financial assistance from both banks and private investors.

I believe that the test of a new business occurs within the first three years and, in that time, it is possible to assess the strength of an operator's commitment and the viability of his/her venture.

7.3 Recommendation:

That the Government of Ontario implement a policy so that, following operation for three years on land use permit, tourist operators north of 50 be permitted to apply for a land patent from MNR based on proof of the operator's commitment to his/her business and its financial viability for the future.

TOURIST MANAGEMENT AREAS

As I envision the expansion of northern tourism operations, I cannot help but be struck by the need for detailed organization if this industry is to find its rightful and dominant place in the north. For this reason I have compared the general structure of the forest industry -- from government relations to the establishment of forest management agreements (FMAs) -- to the less formally structured tourism sector.

FMAs, which are explained in detail in the forestry section of this report, take the form of a contract arrangement between the province as represented by the Minister of Natural Resources and a forestry company to attempt to achieve the following objectives: first, to ensure forests are harvested in an efficient manner and, second, to provide a continuous wood supply.

Companies are obliged to provide detail on their proposed operations which assure the Government that appropriate steps will be taken with regard to reforestation and the selection of access routes. Compensation to the company for the withdrawal of productive forest lands from the FMA at a future date for any reason is a Government obligation under the agreement.

My comparison judged the adaptability of the FMA concept to the tourism industry. The appeal of adopting such a structure was that rather than going through a potentially lengthy effort to introduce a totally new concept, Tourist Management Areas (TMAs) would be based on a familiar policy. In addition, the tourism sector is in serious difficulties as a result of conflicts with the forest industry in many locations in northern Ontario partly -- but not exclusively -- as a result of the introduction of the FMA concept. Where a FMA exists, forestry becomes the overriding concern and therefore the dominant industry, leaving tourist operators in the virtually ignored spot of second place. Therefore, a similar approach for the tourism industry seems appropriate.

The Tourist Management Area concept provides an approach -- or tool -- that will give the industry the security and stability of supply. It also encourages an adequate information flow and the consistency of resource management decision-making by the Ministry of Natural Resources needed to encourage, maintain and increase private investment -- thereby generating badly needed income and employment opportunities. It also provides a forum for discussion by bridging the gap between the Government and the industry.

7.4 Recommendation:

That the Government of Ontario adopt a policy of Tourist Management Areas and Agreements similar to those used for the forest industry, to allow for a more organized, progressive and co-operative approach to tourism development north of 50.

In dealing with such a unique area as Ontario north of 50, it is important to note its two distinct tourism areas and operational focuses which lead me to recommend that the area be divided into at least two distinct Tourist Management Areas.

Slightly less than one-third of the area takes in the southern portion which I refer to as the transitional north. Here, tourism operations are longer established than further north with permanent hotel, motel, cabin and lodge accommodation. To a large extent, the facilities cater to families and vacationers whose trip purpose is not solely fishing or hunting.

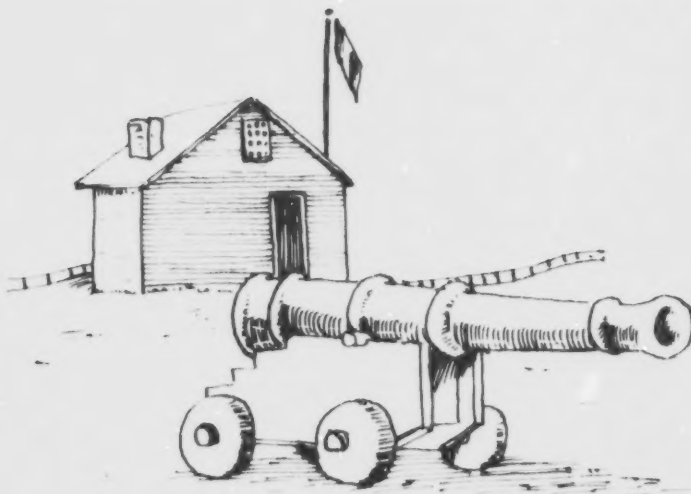
By far, the largest portion of the region - and the one to which my recommendations are mainly aimed - is that which I refer to as the remote north. Tourism here is geared to remote wilderness hunting and sport fishing activities where access to camps is mainly via charter aircraft and family vacationers are almost non-existent. Indian ownership is dominant here while non-native operators are concentrated in the southern region.

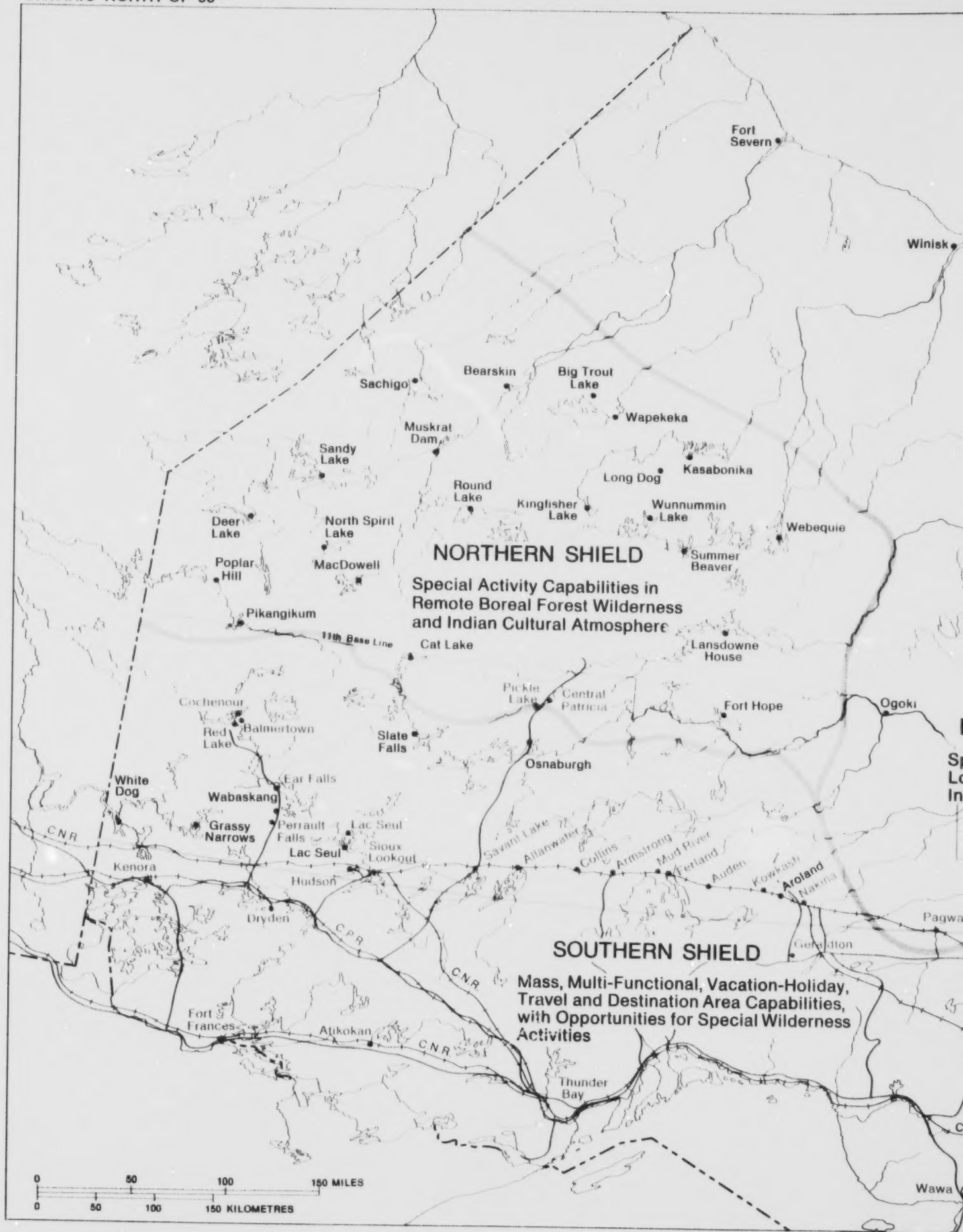
7.5 Recommendation:

That the Ministry of Natural Resources take immediate steps to recognize the diversity of northern tourism operations by dividing and treating Ontario north of the 7th and 11th baselines into at least two separate and distinct Tourist Management Areas.

TOURIST MANAGEMENT AGREEMENTS

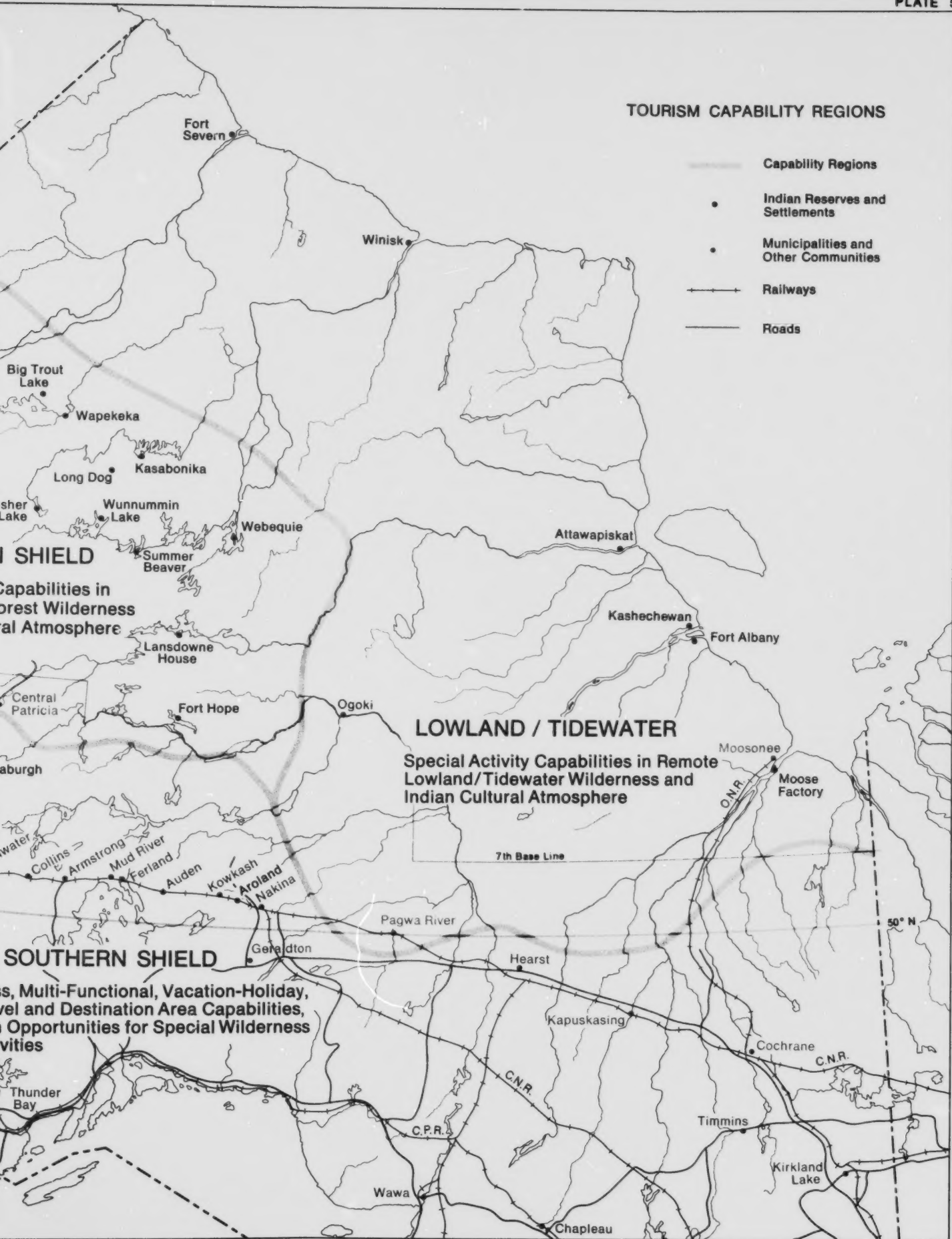
In the case of the Tourist Management Agreement, there would be a formal agreement between the province and a tourist operators' association, the establishment of which I recommend (7.13) later in this chapter. Perhaps a more practical option would be to introduce the TMA concept as a formal policy statement of government values, objectives, operating principles and strategies for the preservation, enhancement and allocation of the natural resources of a designated TMA. However, in the remote north, it is felt that a formal agreement with a tourism association is desirable and practical. Such an agreement would introduce an element of consistency I believe remote northern operators would want in their dealings with the Government as well as demonstrating the seriousness of the Government's commitment to the TMA concept. In either case, the involvement of the resident population in the introduction of the TMA would be essential.





TOURISM CAPABILITY REGIONS

- Capability Regions
- Indian Reserves and Settlements
- Municipalities and Other Communities
- Railways
- Roads



The purpose of Tourist Management Agreements is to provide a policy acknowledgement of the status to be given tourism resources and initiatives in future decision making. These agreements also ensure Government policy is consistent in its commitment to the preservation, enhancement and orderly allocation of tourism development potentials — thereby inspiring confidence in private investors.

Statement of Operating Principles

The operating principles of the agreement reach to the heart of the social and economic value structure of the province and profoundly affect the interaction between Government and the resident population in the development and implementation of strategies for resource management in the TMA. Operating principles of TMAs are recommended as follows:

7.6 Recommendation:

That experienced professional staff available to the Ministry of Natural Resources be employed in the development and management of all aspects of the TMA. It is important to ensure the TMA program is not pushed into an administrative "backwater" with inadequate professional resources.

7.7 Recommendation:

That public participation be treated as a vital component of any TMA decision-making process.

7.8 Recommendation:

That compensation be provided whenever private commercial tourism operations are adversely affected by other resource users.

7.9 Recommendation:

That responsibilities and obligations of private tourism developers as stipulated in land and water leases, permits, and agreements for the use of resources, be met.

7.10 Recommendation:

That a record of information be developed and maintained for each TMA to which the public will have ready access upon demand.

These recommendations do not call for the establishment of a new elaborate administrative apparatus nor the introduction of new legislation. They simply provide for the recognition and accommodation of tourism values in resource management considerations.

Resource Management Components

Zoning

Providing a time frame of reference, zones would be designated within a TMA based on natural tourism potential and present

tourism facility patterns. These zones would indicate the concentrations of potential for tourism development as well as providing the basis for decisions on resource preservation, enhancement and allocation.

Zone documents would indicate tourism priority areas by use (e.g., remote sport fishing zone, moose hunting zone, wilderness waterway zone). Information also would be prepared for each zone indicating sustainable development potential (e.g., supportable angling and hunting harvests); present development type and scale; and unexploited capacity.

Shifts in the zones may be required to accommodate the adverse impact of natural disasters such as fire, unexpected revival of some fish or animal populations currently on the decline, or the emergence of new forms of tourist demands for which the area is suited.

Regional Integration

Integration strategies deal with multiple resource uses within the TMA and its social and economic impact on the surrounding communities. Included should be policies and procedures dealing with such matters as:

- 1) periodic boundary adjustments in the TMA resulting from local resource and area needs (e.g., new Indian reserves) or changing economic development opportunities (e.g., mining);
- 2) maximizing a TMA's benefits to the local economy through priority hiring of local residents or supply purchasing from local businesses;
- 3) integration of commercial and domestic renewable resource uses (trapping, fishing, firewood harvesting) so as not to prejudice the interests of the primary tourism sector;
- 4) integration of provincial parks into TMA planning, without compromising parks' policy.

Natural Resource Maintenance and Enhancement

A wide range of programs and activities, many now operated by MNR, would be tailored to the TMA: e.g., fish stocking, harvesting limits, habitat improvement, fire protection.

Resource Allocation

In addition to Recommendation 7.2, this component of the agreement would ensure that a realistic set of terms and procedures are established for allocating tourism development potentials of TMAs. For example, consideration should be given to restricting the transfer or sale of lease and land use permits

granted to resident Indians to non-Indians for a period of 10 years or more to protect Indian interests.

Surveillance and Enforcement

The objectives of this component would be to ensure compliance with the legislation and regulations associated with the management of the TMA. To be specific, there should be: surveillance of all resource uses and users in the TMA having destructive impacts upon the resource foundations for tourism development and operation; and enforced compliance with legislation and regulations set forth for the TMA.

Research

Focused primarily upon the needs of management decision-making, the research should employ the resident population with a long-range objective of creating full-time positions within the Ministry of Natural Resources. This research would: increase knowledge of the extent and limits of the tourism resource development potentials of the TMA; identify issues and problems related to resource management; and evaluate management actions currently in force.

TOURISM ASSOCIATIONS

For TMAs to be effective tools for future development, greater organization also will be required within the ranks of tourist operators themselves. These operators can serve their own interests as well as the interests of all northern residents via the selection of spokespersons - or lobby groups - who can speak with the authority of all northerners likely to be affected by Government policy rulings.

The tourism study commissioned by me, which I mentioned earlier, dealt indepth with the issue of northern involvement in policy making and the need for an organized effort on the part of those operators to inform the various levels of Government as to their views, needs and aspirations for both the short and long term.

The study concluded, and I concur, that the future viability of northern tourism and the desired preferential opportunities for local residents and communities are possible via two courses of action: the establishment of tourist management areas, as I have already recommended, and the creation of a north of 50 tourism association.

I believe that far greater advantages exist in the formation of regional groups which could eventually find their way into a provincial or even a national association. Regional groups offer the particular appeal of speedy establishment and minimal administration problems. More importantly, regions -- even relatively large ones -- tend to have the same interests, problems and issues. These similarities help to facilitate membership recruitment and organization as well as the development of new programs which have broad-based support.

Among other tasks, these associations would be expected to:

- 1) represent and reflect membership interests in Government decision-making processes for resource allocation and management north of 50;
- 2) lobby for Government funding for new tourism initiatives;
- 3) support, supply, generate and demand — as required — the research necessary to ensure a viable industry; and
- 4) promote and influence the scope of Government tourism advertising.

It is my view that current and future Indian tourist operators in the north are in far greater need of new organization and formal government ties than are the white tourist operators. White tourist operators already have an established co-ordinating and lobbying group, the Northern Ontario Tourist Outfitters Association. Without similar organization on their part, native operators would remain without a unified voice to deal with Government. In addition, formal ties with the provincial and federal levels of Government, in particular, would facilitate the establishment of group training programs. However, it would be wrong to ignore the legitimate business interests of non-natives in the north and their value to the northern economy as a whole. In an effort to be solicitous of and fair to Ontario's original inhabitants, it perhaps would be overzealous on my part were I to suggest that membership in new tourism associations be restricted to Indian residents north of 50. For these reasons, I would recommend:

7.11 Recommendation:

That one or more regionally-organized North of 50 Tourism Associations be established as quickly as possible to serve northern tourism operators through a united voice directed at natural resource management policy, as well as to allocation and funding for various endeavours including area and regional planning studies.

7.12 Recommendation:

That the Government of Ontario encourage these tourism associations by providing financial support in the designing, testing, implementing and marketing of tourism activities.

GOVERNMENT ADMINISTRATIVE IMPROVEMENTS

I have talked at some length about the need for the tourism industry to organize itself not only into regional tourism associations but also for the Ministry of Natural Resources to introduce the concept of Tourist Management Areas into their resource management procedures. I believe it is also imperative for the various levels of governments — with their various jurisdictions, programs and grants — to better organize their

input to the industry, particularly as it applies to our original inhabitants. Until we can put governments in touch with what is occurring within their own offices and the offices of other government levels, attempts to improve native tourism operations will remain unco-ordinated, in some cases repetitive and in most cases unsatisfactory to those who must function within the confines of legislation set by all three levels — municipal, provincial and federal.

In recent years about 11 federal and provincial departments and ministries have offered grants, loans and loan guarantees for tourism facility and sportcamp development, expansion and upgrading under approximately 35 individual programs. In addition, several management and skill training programs have been available. No precise total dollar value of the funding advanced was obtained in the investigations of the Commission but it is known that substantial sums have been involved in some cases.

For non-native operators, the most significant assistance has come from the three loan programs of the Ontario Ministry of Industry and Trade, administered by the Northern Ontario Development Corporation — the Tourism Loan Program, the Ontario Business Incentive Program and the Tourism Redevelopment Incentive Program.

Loans and loan guarantees under the Small Business Loans Act of the federal Department of Industry, Trade and Commerce and the consulting services of the Federal Business Development Bank have been decidedly secondary in comparison with the provincial financial aid programs.

Native goose hunting camps, which form a significant part of overall native tourism ventures, have been developed under provisions of the federal-provincial Resources Development Agreement (RDA) which has been in continuous operation since 1958.

As indicated earlier, considerable angling sportcamp development has taken place in the Shield area of Ontario north of 50, with money provided by the Department of Indian and Northern Affairs under the Indian and Economic Development Program. Considerable money, time and effort also was spent on training programs to equip natives to manage these operations.

In addition, the various programs of the Canada Employment and Immigration Commission have directed money to native and Metis sportcamp development in Ontario north of 50.

While I applaud the various government efforts which have helped spur northern native tourism ventures, I believe those monies would produce even greater results if the necessary co-ordination was in place — most particularly at the provincial level -- to avoid duplication of efforts and encourage diversification among new tourism entrepreneurs.

What is also required is input from all three provincial ministries involved in northern tourism in the development of

policy, the review of application by developers and the issuance of final approvals.

7.13 Recommendation:

That the Ministries of Natural Resources, Northern Affairs and Tourism and Recreation co-ordinate input and decision making regarding tourism policies and programs.

7.14 Recommendation:

That the Ministry of Tourism and Recreation seek to establish better communication ties with federal ministries with the goal of eliminating duplication of tourism assistance programs in Ontario north of 50.

Historic Resources

In discussing with northerners the potential for developing historical sites and cultural resources as part of the tourism future, I also became aware of their dissatisfaction with government handling of artifacts and the current method of reporting the findings of archeological research.

Frequently, materials collected are shipped to universities and museums in large urban areas for further research and ultimate storage and display in surroundings safe from fire and deterioration, available for viewing by large numbers of people. A contending point of view maintains that the artifacts should be retained in the location where they are found so that they may make their maximum contribution to the development of local identity and pride, and to supply foundations for tourism with its attendant beneficial economic impacts. At Fort Severn, the residents are annoyed that artifacts removed from digs at Churchill/Nieu Savanne and Fort Severn for trade fairs and posts have not been returned to the community by the archaeology groups or the universities involved.

7.15 Recommendation:

That the Government of Ontario ensures the results of historic and archaeological research are transmitted to local residents at the earliest possible date and that artifacts are returned for display in the local areas to the maximum degree consistent with their continued preservation.

FISHERIES AND WILDLIFE MANAGEMENT

As I assessed tourism operations in Ontario north of 50, I continued to encounter stumbling blocks which I attribute to two problems: the lack of current research available; and a failure on the part of Government to relay what information is available to those people and groups with legitimate interests in the field.

If, as I envisage, northern tourism continues to grow, there are specific resource demands which will require further assess-

ment. It must be kept in mind that we are dealing with a unique environment with far stricter limitations and far different demands than exist in the south. This is most readily evident in the various fishing activities in the north: sport, subsistence and commercial.

Fisheries Management

It stands to reason that should tourism activities continue to grow, these additional demands on limited resources will necessitate an independent review on the impact on fishing resources. While commercial fishing remains a limited activity, owing to the exceptional costs of preserving and transporting, one assumes that any expansion of this activity — coupled with a similar expansion in sport fishing — would create a conflict. The Commission has concluded that the overall and long-term benefits of tourism activities exceed the shorter term and potentially depletive effects of commercial fishing. However, I leave it to the experts to examine a number of options: whether commercial fishing should be banned totally; whether existing commercial fisheries should be allowed to continue their operations with or without limits on future expansion; or whether a gradual phasing out should be done with commercial fishing interests being converted into tourism-related enterprises. For these reasons, up-to-date data are a must if such conflict is to be resolved in the interests of both activities.

Waterbodies presently utilized by the tourism industry in the north or which may be allocated to the industry in the future have to be managed on a sustained yield basis. The operators of resorts, lodges or outpost camps must be secure in the knowledge that the sport fish resource base on which they depend will provide the quality of fishing necessary to satisfy the continuing needs of the client group. As the Northern Ontario Tourist Outfitters Association told the Commission, 98 per cent of all American clients and 75 per cent of Canadian clients indicated in a study that the quality of fishing and hunting was the most important aspect of their vacation. The challenge will be to maintain and enhance that necessary resource.

The fragility of the northern environment extends to fish resources as well. Creel, minimum size and consumption limits used elsewhere may not be appropriate for the north and may in fact need to be selectively established, depending on the productivity of each particular body of water. This concept may include the establishment or designation of trophy sport fishing lakes where anglers may only extract one trophy fish of a particular species and all other fish of that species must be returned to the water unharmed.

For the area north of 50, I believe that the designation of certain lakes containing lake trout for trophy fishing only is especially important. Lake trout are fragile fish, unable to withstand the stresses imposed by man and his technology. In fact, many of Ontario's lake trout fisheries are becoming more and more dependent on hatchery-raised fish.

In situations where it is difficult to establish or maintain a sport fishery on a sustained yield basis, a fish stocking program should be implemented. Consideration should also be given, based on discussions with tourism operators, as to the feasibility of a program to introduce new or exotic species of fish to selected lakes to further enhance our sport fishing and provide additional opportunities for the growth of our tourism industry.

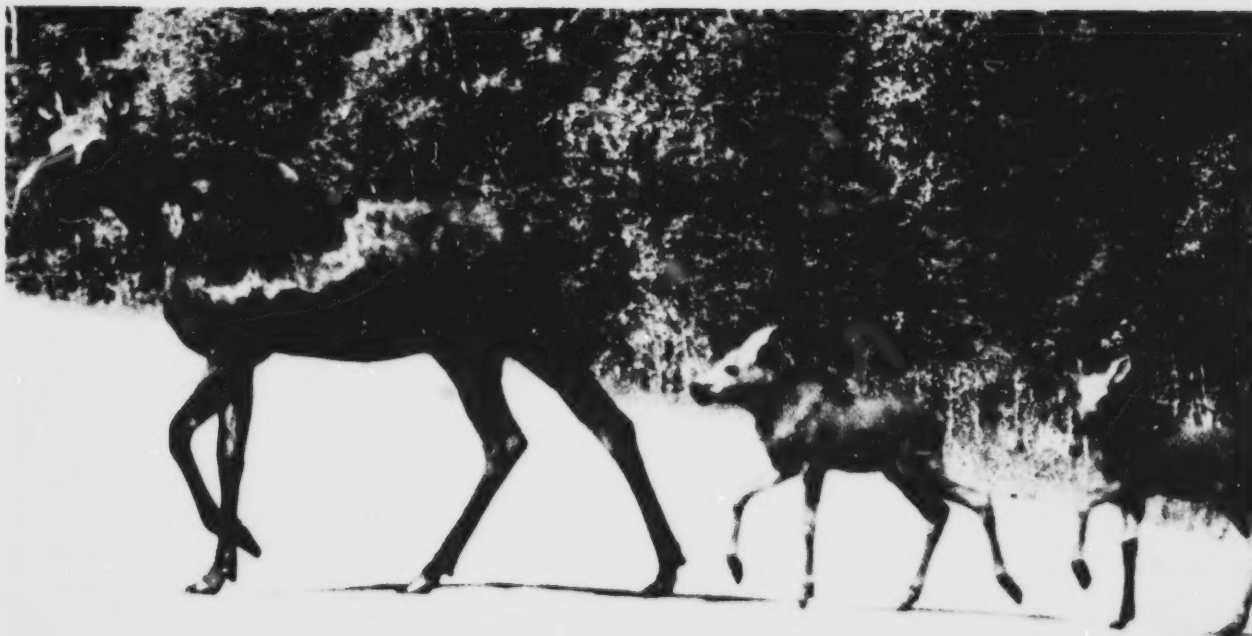
It has become apparent to me that there is a need for an additional fish hatchery in northwestern Ontario to particularly serve the area north of the 50th parallel, as the nearest hatchery is east of Thunder Bay. I particularly refer to Ear Falls, located at the headwaters of the English River, as a possible ideal location which has a modern community with an overdeveloped infrastructure built in anticipation of the proposed construction of the Reed forest products complex, and which will be further affected by the expectant closure of their main industry - the Griffith Mine - in early 1986.

7.16 Recommendation:

That the Government of Ontario begin an immediate and on-going assessment of the fisheries resource potential for the major lakes and rivers north of 50 with a view to allocating those resources on a sustained yield basis.

7.17 Recommendation:

That a provincial fish hatchery be established in the western portion of Ontario north of 50, preferably in the Ear Falls area where a modern community infrastructure is in place, to raise sport fish for restocking depleted lakes and to raise new sport species for introduction into other northern lakes.



Photograph Courtesy of Northwest Explorer, Sioux Lookout

Wildlife Mangagement

Wildlife in northern Ontario -- in particular woodland caribou, moose and white-tailed deer -- have been managed for decades without reversing the decline in their numbers, notwithstanding the controls placed on man and his hunting activities.

The white-tailed deer, now virtually extinct above the 50th parallel, were a plentiful, common species of ungalate which roamed the north for five decades as far as the 55th parallel and were particularly prolific from the 50th to above the 52nd. While it is said that the white-tailed deer cannot tolerate snowfall much over 51 centimetres, these observations are challenged by the fact that this ungalate was present in the far north in large, healthy numbers. The alarming decline in numbers did not occur until the removal of the bounty on wolves in 1970. In the years following, the number of white-tailed deer declined to the point of extinction in this areas.

Flying across the north in the early 1930's, it was not uncommon to see the woodland caribou in herds of 100 or more near lakes where they had bedded down at night for self-protection.

Today it is a rare sight to see herds greater than 20 in the same area, and generally they are no more than 10.

The lord of the forest — the mighty, majestic moose — was also a common and exciting sight throughout the summers all across the north along rivers, streams and lake shores and in herds in the boreal forest in the winter. Today, this has become a more rare sight.

For their protein, the southern population of Ontario depends upon domestically-raised steer, calf, lamb, hog and fowl. Predators are quickly eliminated if they intrude on the rancher or farmer's stock. In contrast, in the north, natives in particular are dependent upon moose, caribou and deer. Yet uncontrolled wolf packs and black bears (ravenous when leaving the winter lair) continue to decimate these ungalates.

The Government of Sweden, alarmed by the serious decline in their own moose numbers, moved to find the answers and assigned a group of biologists for a period of three years to follow continuously these ungalates — paying particular attention to their diet through the seasons, their habitat, breeding, calving and the impact on the animals by predators. They learned that many of the cows gave birth to twin calves in their fourth and fifth years, and some cows in their eighth year gave birth to quadruplets. They also recorded that the predators of this species were the wolf-packs and black bears in spring when leaving their lairs. The pregnant cow, heavy with calf, was found to be the most vulnerable; when it was taken, the result was the loss of two to four calves as well. With the moose herd reduced to some 27,000 animals, the Government instituted hunting regulations restricting the hunting of the cow moose and, at the same time, a program to significantly increase the hunting of the wolf and black bear. Today, Sweden's moose herd exceeds 500,000 animals and their annual hunt averages 150,000 which rose to 162,000 in 1982 which approximated some 18.2 million kilograms of dressed meat valued at \$80-million.

Statistics for hunting in Ontario in 1982 (the last complete figures available) show that there were 85,630 licensed resident moose hunters and 3,060 non-resident hunters who collectively hunted for 527,300 days and produced a moose harvest of 10,700; that there were 91,750 licensed resident deer hunters and 560 non-resident hunters who participated in the hunt for a total of 503,200 days and a harvest of 11,960.

The expenditures for the moose and deer hunts compiled from hunters surveyed by mail totalled \$51.34-million averaging \$2,265 per animal taken and an average of \$283 expended by each hunter.

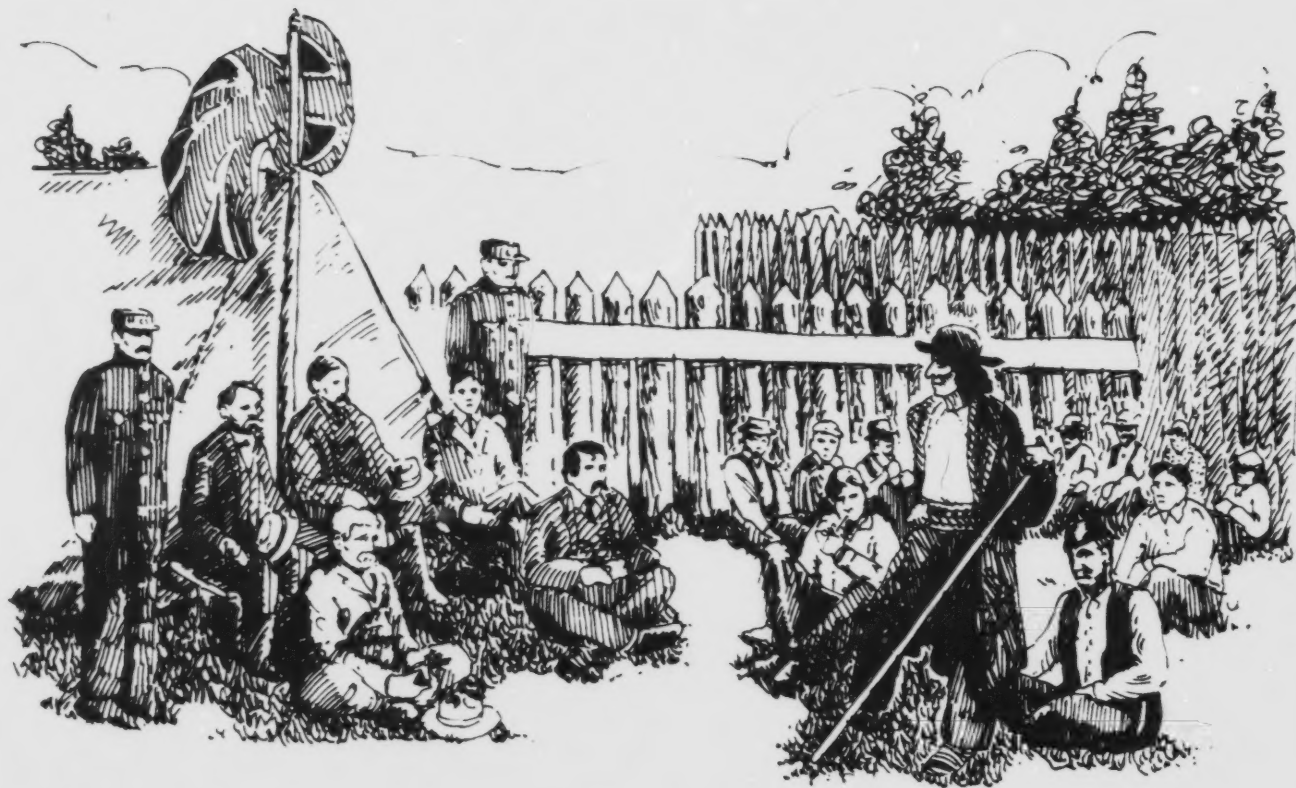
When a country like Sweden with a land area of 411,406 square kilometres can, through wildlife management, increase its moose population from 27,000 to 500,000, it is important that Ontario, whose land area north of the 50th parallel is 543,900 square kilometres, should study its own situation with an eye toward the future subsistence needs of the native people and the positive implications it would have for the tourist industry.

7.18 Recommendation

That the Government of Ontario direct an in-depth biological study north of the 50th parallel on the moose, white-tailed deer and woodland caribou population with particular attention to predators and hunting to determine measures necessary to increase the numbers of white-tailed deer, moose and woodland caribou.



The Attwood River



CHAPTER 8

PLANNING IN THE NORTH

The Royal Commission on the Northern Environment is obliged by its mandate to recommend improvements in the methods used to reach decisions on northern development. In its reaction to Reed Ltd.'s timber harvesting and mill proposals, mercury pollution in the Wabigoon/English/Winnipeg system, and other large projects being mooted across the north, the public insisted that development patterns of the past and their adverse consequences should not be replicated in the more-remote north and hence that fundamental changes needed to be made in the way that decisions on development are reached.

Development in the north will continue to depend mainly on the use of natural resources. Pressures to use resources emanate from two different sources and are in conflict. Outside markets for industrial products are the force driving intensive development into the southern part of Ontario north of 50. On the other hand, northern communities, particularly native ones, continue to rely on the same resources as a source of products for subsistence and commerce. Clearly, decision making for northern development must be the outcome of planning processes that can reconcile these conflicting claims.

My Commission's interests in planning for resource-based development in the north led me to evaluate two main complementary approaches. One is a comprehensive approach for planning by northern communities themselves with the objectives of affirming their own development priorities. The other is the resource planning process employed by the Ministry of Natural Resources for the Crown lands under its jurisdiction in the north.

Many northerners still consider that the north has become an economic colony of the south. They find that they have little control over their own destinies and lack power to significantly influence decisions about development made mainly in the south. Native people, particularly, have become bewildered by the changes that are overtaking their communities and that they feel powerless to confront. If they and other northerners wish to gain greater power in decision making, they must also exercise greater responsibility for specifying their own development goals, objectives and priorities in a positive and constructive manner. And, if they are to do this, they must devise planning programs of their own in which all northern interest groups having a stake in northern development can take part. Chapter 10 in my report deals with comprehensive community planning by northern native communities in considerable detail.

Provincial government agencies have carried out both comprehensive and sectoral planning affecting the north. Comprehensive planning spans and attempts to integrate the entire spectrum of economic, social, cultural, natural environmental, financial and administrative concerns relevant to decisions about

development and environmental protection. The Design for Development program of the 1970's was the Government's outstanding though now moribund initiative to plan comprehensively for the province and its regions from the perspective of the province. But it had little to say about the remote northern half of Ontario. On the other hand, many agencies of the Government engage in sectoral planning affecting the north. Sectoral planning by governments focuses more narrowly on specific components of their overall responsibilities.

The Ministry of Natural Resources' land use planning was the most massive sectoral planning program ever mounted in the north. The program was well conceived, professionally executed and governed by logical principles and procedures. But the Ministry was not mandated or staffed to plan comprehensively, and its reports for the north paid scant attention to the social, economic, and natural environmental consequences of the prescriptions that they advocated. Planning by the Ministry or any other single agency will always have inherent limitations in scope arising from the narrow range of responsibilities assigned to it.

The fundamental issue surrounding planning by the Ministry of Natural Resources had to do with the Ministry's ability to wield great power over northern development while remaining largely unaccountable for the consequences. The Ministry's program-delivery activities can shape the future course of northern development, which will continue to depend primarily on the use of natural resources. The Ministry performs crucial roles of custodian, allocator, manager and developer of the Crown lands that comprise practically all of Ontario north of 50. Land use planning by the Ministry has created a framework of objectives, strategies and targets that gives direction and guidance to decisions about the allocation and management of natural resources. Such decisions can have crucially important beneficial or harmful consequences for the cultural, economic and natural environments of the north. For these reasons, my Commission's programs of research and public participation accorded a central place to evaluating the conceptual underpinnings, principles, process, research and public consultation methods, and products of the Ministry's planning.

The Ministry's planning placed northerners on the defensive for it was not carried out in a way that could balance concerns of development and environmental protection or interests of northerners and outsiders. The Environmental Assessment Act, 1975 was designed to effect reconciliation on such issues as these. The Act establishes a planning and decision process that takes into account, at an early stage, all possible environmental effects of significant undertakings. Moreover, the Act can give the public an avenue for involvement in decision-making and a means of access to an accounting of how and why decisions are reached. I strongly support the views expressed to me that the future of the north depends to a great degree on the effective application of environmental assessment to all proposed enterprises likely to have significant impacts and that environmental

mental assessment principles are an essential ingredient of good resource planning.

My investigation of the Ministry of Natural Resources' planning activities in the north devoted a great deal of attention to the question of the applicability of the Act to the planning. For most of this Commission's life, the Government affirmed and reiterated that the Ministry's land use planning activities are provincial Government activities that were to be dealt with under the Environmental Assessment Act and that the plan for the West Patricia area, in particular, would be subject to full individual environmental assessment under the Act. This led me to be optimistic that the good planning principles embedded in environmental assessment would be strongly expressed in the planning. In the end, they were not, with consequences that were disastrous for the planning.

My conclusions and recommendations about planning for resource allocation and resource management are based on six main areas of evidence. First, Commission staff carried out a technical appraisal of the Ministry of Natural Resources' statements about the underlying principles, intent, scope and methodology of its own planning system, as set out in its publication Guidelines for Land Use Planning, 1980 and various internal documents. The second body of evidence was the substance of the plan documents themselves, as they evolved from the relatively unsophisticated, preliminary, regional strategic plans for northwestern Ontario and Northeastern Ontario published during the mid-to-late 1970's to the much more comprehensive and polished regional strategic plans and district guidelines of the past few years.

The third body of information was the outcome of my staff's observation and evaluation of the Ministry's public involvement program in the north. The fourth was an examination of the changing relationship between the Ministry of Natural Resources and the Ministry of the Environment in matters respecting the desirability of applying environmental assessment principles to planning for resource allocation and resource management. The fifth body of evidence was the responses of the ministers and staff of these two ministries to the letters I wrote to them and to the questions I raised for them at formal public hearings. The sixth, no less important than the others, was the comments and recommendations made about planning and the applicability of environmental assessment thereto by government officials, interest groups and the public generally in written submissions and in oral presentations at my hearings. As expected, these comments and recommendations ranged from broad conceptual and methodological matters to more parochial matters having to do with the likely impacts of plan implementation on local areas and business enterprises.

The Ministry of Natural Resources has spent years of time and effort and millions of dollars of public money in carrying out its land use planning across the north. Over the course of my Commission's work, I have gained a great deal of respect for the high motives underlying the planning, for the dedication and competence of the planners, for the heightened awareness of issues

that has resulted from the Ministry's public involvement program, and for the evident usefulness of the information assembled. Land use planning across the north has many accomplishments to its credit. And many of the criticisms that have been levelled against it by the public and by me stem from limitations inherent in the Ministry's mandate and hence beyond the Ministry's control.

LAND USE PLANNING IN THE NORTH

Components of the Planning System

The Ministry of Natural Resources is not required by any statute to create formal plans of any kind. The Ministry cannot point to any single legislative authority for its land use planning activities. Its planning process stems from policy decisions made at Cabinet and ministerial levels rather than from legal requirements.

The Ministry's corporate planning system for Ontario consists of five interlocking subsystems: policy planning, land use planning, resource management planning, work program planning, and work program evaluation. The Commission's research, presented in Appendix 14, has focused on land use planning and its relationships with the policy planning and resource management planning components of the system. It has sought to establish the point or points at which the Environmental Assessment Act can be most fruitfully applied in the continuum of planning and decision-making activities that these three subsystems embody. The research has evaluated the planning principles, the planning process, and the substance of the plan/ guideline documents themselves, using as touchstones the Ministry of Natural Resources' Guidelines for Land Use Planning, 1980 and the Ministry of the Environment's General Guidelines for the Preparation of Environmental Assessments, 1981.

Policy planning, which flows from the basic philosophical presuppositions of government, answers the question of "what", in the Ministry's words, "is to be achieved and why"? Policy planning, as the first component in the planning system, puts in place a policy framework for land use planning and for the other subsystems that follow from it. Although the land use planning process provides for modification of policy through analysis, testing and perhaps public input, the extent to which these can effect changes in fundamental policy thrust remains open to serious question.

The Ministry defines a land use plan as "a document which indicates how the Ministry plans to use Crown land and...intends to influence the use of private land in achieving its objectives." It states that the purpose of a land use plan is "to coordinate the various Ministry programs, concerning the use of land, so that conflicts and inefficiencies are avoided and all objectives are met." The land use plans — now "guidelines" — provide a spatial framework and direction for the formulation of resource management plans for particular uses and areas.

The placing of resource management considerations largely outside the domain of land use planning creates an arbitrary distinction between ends (land use objectives) and means (management), and thereby raises questions about the appropriateness and attainability of objectives, impairs the generation of plan options, and complicates the issue of the applicability of the Environmental Assessment Act to the planning system.

Principles and Process

The Ministry of Natural Resources sets out the purpose, scope and approach of its land use planning in Guidelines for Land Use Planning, 1980. This document first states a set of nine planning principles to be adhered to by the Ministry in formulating and evaluating land use plans. It then defines a seven-step planning process that begins with the setting of terms of reference and ends with the approval and implementation of district plans. Finally, it sets out prescriptions for involvement by the public in the land use planning process. These three interwoven elements -- principles, process, and public involvement -- together constitute a logical, coherent, and internally consistent framework governing land use planning to meet the Ministry's own objectives.

The planning principles contain the seeds of some fundamental defects of the planning for meeting northerners' needs. They establish the planning as a "top-down" process expressing provincial policies at the district level rather than any authentic local perspective on how development ought to take place. They stipulate that policies are to be translated into explicit quantified targets for using natural resources; examination of the targets stated in the district plan documents reveals the resource development bias that pervades the planning. The principles call on the planning to generate options and to evaluate the associated tradeoffs and consequences, while asserting that the economically most efficient option would normally be the one preferred. While they note that the planning should take account of the limited capacity of the natural environment to sustain use, the production targets for many biological commodities have been set at levels approaching capacity; achievement of the targets would clearly place renewable resources in the far north under considerable stress. A noteworthy omission is any principle stating who are to be the primary beneficiaries of development resulting from the planning; the extent to which the concerns of local people are to be taken into account is a matter of only equivocally addressed.

The seven-step land use planning process embodies two key tasks: first policy development and refinement through target testing and second transformation of policy into spatial terms in the forms of optional plans, then a preferred option, and finally the plan itself. As Appendix 14 points out, implementation of the planning diverged in significant ways from the well-designed process originally set out.

Planning Phases and Products

The Northwestern Ontario Strategic Land Use Plan and the Northeastern Ontario Strategic Land Use Plan, both published in 1982, were the products of the land use planning process for the Ministry's two northern planning regions. They established the framework of resource-use policies, objectives, and targets to be adopted for the West Patricia area and districts elsewhere across the north.

Meanwhile, as early as 1977, the Ministry of Natural Resources was mounting a major program of resources inventory and analysis to accommodate the special planning requirements for the West Patricia area. The Ministry has treated this area, encompassing all of Red Lake and Sioux Lookout districts and a large part of Geraldton District, as the subject of a single district plan.

Land use planning in all the northern districts was initiated in the late 1970's. The first phase entailed the assembly and analysis of information concerning characteristics, potentials and uses of natural resources. This was a particularly formidable and costly task, necessitated by the paucity of data previously available for planning. In the case of West Patricia, the detailed results of this inventory phase were made available in two forms: 40 technical reports on fisheries, wildlife and heritage resources released during 1979 and 1980, and 27 background information reports published for wide distribution during the period 1978 to 1981. This first phase work was summarized in West Patricia Land Use Plan: Background Information, released for public review in January 1982. Background Information reports were published for other northern districts, except Moosonee, over the period May, 1980 to March, 1982.

Following public response, the second phase culminated in the release of Proposed Policy and Optional Plans documents in June, 1982, for West Patricia and other northern districts, Moosonee again excepted. Strategic (regional) and district planning meshed at this time; in the various reports for these two levels in the planning hierarchy, the statements of objectives and strategies are compatible and the district targets for the individual policy areas are identical.

At this point, the phasing of the planning diverged from the process originally set out. The third phase was intended to take into account public response to the options presented in the second for the preparation of a preferred conceptual land use plan, which in turn would be subject to public scrutiny before completion of the final district plans. This did not happen. The second phase documents offered instead what amounted to a preferred option, a "compromise option that best portrays a balance of target achievement for all Ministry programs". These documents were the focus of the second, and last, round of public consultation, analysis, and internal review by the Ministry of Natural Resources.

The Land Use Guidelines were published in early 1983 for the following districts that project into Ontario north of 50: Kenora, Dryden, Ignace, Nipigon, Hearst, Kapuskasing, and Cochrane. At the Commissioner's request, the Minister of Natural Resources agreed to withhold completion of the Guidelines for the West Patricia area until the Commissioner has made his recommendations. The Ministry's planning for Moosonee District, which includes the Hudson Bay and James Bay Lowlands, has lagged considerably behind that for the other northern districts and is still in progress.

Proposed Policy and Optional Plans for West Patricia

The Commission's Concerns

The Royal Commission on the Northern Environment's review of land use planning focused on West Patricia for two reasons: first because this area epitomizes the major social, economic and natural environmental issues arising from increasing development impacts on the natural resources, resource utilization patterns and settlements of the boreal forest and Shield environments of Ontario north of 50 and, second, because land use planning for the lowlands is still in progress. The northward advance of the leading edge of more intensive development into the southern part of the West Patricia area has been accompanied by new urban settlements, resource extraction on a large scale and some devastating consequences for the original native inhabitants. Its expansion into the less easily accessible and more remote parts of West Patricia would impinge increasingly on fragile environments and on the natural resources available for wilderness outpost tourism, commercial trapping and fishing, and subsistence activities. The Commission is obliged, by its terms of reference, to assess the implications of the land use planning with respect to these issues.

Because the final land use guidelines for West Patricia have not been published, the Commission's review has had to centre on the most recent report available, West Patricia Land Use Plan: Proposed Policy and Optional Plans. Option D, the option preferred by the Ministry of Natural Resources, has been assumed to be the one most likely to approximate the final guidelines.

The Planning Report

Proposed Policy and Optional Plans presents a provincial perspective on the allocation and management of the West Patricia area's natural resources. The Ministry's broad intent was to identify the lands and waters necessary to achieve its programs for the year 2000. The hard core of the report's prescriptions is defined by the objectives and, in particular, by the allocation targets set by Ministry for individual resource-using activities over which it has jurisdiction. The report presents four optional plans, each maximizing target achievement in at least one of the Ministry's main program areas; no single option could satisfy all of its program targets.

The Commission found that the report did not convey a clear picture of just what the optional plans were actually prescribing; a grasp of the spatial thrust and substance of the options could be derived only by aggregating several thousand variables. The Commission's staff spent much more time deciphering the options than the public possibly could; this is unacceptable. When the Commission finally did unravel the optional plans, it found that they would be almost identical were it not for considerable differences in the location and extent of the parklands that they allocated and minor variations in the outer perimeter of the extensive area within which timber harvesting would be encouraged or at least permitted.

Problems arising from Target Setting

The Ministry of Natural Resources established a single set of targets for all options. In none of its planning documents does it make any explicit statement about why and how its targets are set, an omission that must have baffled northerners. But the Commission deduced from evidence in the reports that the targets do have an underlying principle that can be stated thus: *"Targets represent demand for resources in the year 2000, subject only to constraints imposed by resource supply."* In the case of activities dependent solely on production from renewable biological resources, this principle can be reformulated as follows: *"Demands anticipated in the year 2000 for products from biological resources will be met, subject only to the limits set by the optimum sustainable yields associated with these resources."*

Clearly, market pressures originating mainly outside the West Patricia area are intended to be the engine that drives both the planning and the development that it portends. The Commission's review of the demand-supply relationships and associated targets for individual resource-using activities demonstrates that implementation of any of the options would place biological resources under considerable stress. In fact, the West Patricia planners were unable to develop even one option that would meet all targets collectively.

The planners' attempts to maximize target achievement had the further unfortunate effect of focusing public attention on the resource allocation issue of timber harvesting versus wilderness parks. This polarization diverted attention away from other important issues of potential conflict and cross-impact between such different resource production programs as timber harvesting, wildlife and trapping, and between resource production programs and others such as tourism and outdoor recreation.

The planning imperative that optional plans must meet targets to the greatest degree possible had other serious outcomes. It forced the planners to abandon the more comprehensive set of social, economic and natural environmental criteria set out in Guidelines for Land Use Planning for evaluating options. It prevented them from producing a set of truly different land use plans, each distinctive in such attributes as dominant economic

thrust, sectoral development emphasis, type and spatial distribution of resource allocations, management strategies, and social, economic, and natural environmental implications. None of the Ministry's optional plans for West Patricia could indicate a type of development that differs significantly from that which has already taken place in areas to the south.

The Planners' Vision of the Future

The substance of the optional plans for West Patricia punctures the myth of unlimited resources in the north. The planning program for this area was initiated and accelerated in response to widespread dissatisfaction over the prospect that past patterns of development in the north were about to be replicated and extended into ecologically and culturally sensitive environments. The public therefore has had every reason to expect that the land use planning would delineate, in at least one viable option, a pattern, form and intensity of future development differing substantially from those of the past. The public's expectations are not met in Proposed Policy and Optional Plans. Implementation of any of the optional plans offered there would not transform the thrust of northern development to a significant degree. This outcome was probably inevitable, given the economic bias embedded in the targets, the imperative imposed to achieve targets, and the inherent limitations of the northern boreal forest environments to sustain use at levels attainable farther south.

Clearly, in the report's scenario, market pressures for natural resources -- pressures emanating in large part from outside Ontario north of 50 -- are to continue to be the primary determinants of the resource allocations of the future. All optional plans for West Patricia encourage or permit expansion of mining activities and tourism development into the most remote corners of the area. All of them leave the door open to an advance of commercial timber harvesting at least to the northern limit of the Reed tract. And they all allow for an extension of access road infrastructure throughout almost all parts of West Patricia. Finally, they give rather short shift, in the Reed tract at least, to those traditional and local uses not strongly oriented towards an external market economy.

Implementation of any of the optional plans for West Patricia would bring major pressures to bear on Ontario's largest reservoir of untapped or sparsely utilized biological renewable resources. By the year 2000, the levels of optimum sustainable yield from these resources would have been reached by the targetted production associated with several important activities (forestry, trapping for beaver, moose and caribou hunting, and the lake trout fishery) and may have come under severe stress in the case of other activities (commercial and sport fisheries).

The optional plans for West Patricia appear to guarantee perpetuation of current resource trade-off issues and their expansion and intensification over the next two decades. The plan document does not say this, but offers no convincing evidence to the contrary. Indeed, it is noteworthy for its failures to

account for the development consequences of its plan prescriptions in social, economic and environmental terms or to specify appropriate measures for enhancing benefits and mitigating adverse impacts.

Conclusions

I have had to conclude, with reluctance, that the land use plan documents and the assumptions underlying them are so seriously flawed that they must not be implemented. The Minister of Natural Resources has re-enforced this position (although not for the same reasons) by downgrading the status of the documents to that of guidelines that might or might not be adhered to. Moreover, I consider that the documents are so seriously flawed that they should not be used as a basis for informed decision making about balanced development in the North. My Recommendation 8.5, made later in this chapter, is directed to this end.

I base my conclusion that the land use guidelines, in their present form and with their present ambiguous status as regards government commitment to them, should not be used for decision making on four main grounds — all stemming from my terms of reference.

First, the guidelines indicate no fundamental change in the nature, scale, terms and conditions of northern development; their implementation would perpetuate and extend into the more-remote north a kind of development so clearly unacceptable to the northern public that the Government was moved to create this Commission and to accelerate land use planning in the West Patricia area. Secondly, the land use planning process which culminated in the guidelines failed to examine a sufficiently wide range of development alternatives or to evaluate and compare the implications of those alternatives that it did examine in social, economic and natural environmental terms; the process disregarded the principles of good planning recognized in the Ministry's own materials, other planning legislation (i.e. the Environmental Assessment Act), or authorities in the planning field.

Third, the process reinforced, rather than allayed, the legitimate complaints of northerners, particularly native northerners, that they lack power to significantly influence the decisions being made about the course of northern development in government and corporate board rooms elsewhere; northerners made it plain that simply being heard is not good enough. Fourthly, the ambiguous status of the plan documents as a basis for decision making about development continues to leave far too much discretionary power in the hands of politicians and senior bureaucrats, with no more than a minimal level of public accountability.

Public Participation in the Land Use Planning

Public participation, of course, has many faces. It ranges from information dissemination to civil disobedience. At one end of the spectrum, decision-makers use their resources to persuade or foster an attitude of acceptance in citizens towards new policies. At the other end of the spectrum, citizens are the

decision-makers and exercise self-determination. Obviously, the choice of format for public participation says a great deal about the level of participation in decision-making that those in power desire.

In the north, I have found that the nature of representative government has generally restricted the scope of direct political involvement for the majority of northerners. Some are disenfranchised by the very nature of their "special" status; others by their small and dispersed population. I must conclude that additional forms of participation are needed to maintain the lines of accountability and establish the mutual trust needed between ordinary citizens and those with delegated authority for them.

I should point out that many of the recommendations made in other chapters, particularly Chapter 3, apply equally as well to the general principle stated here, and share in my resolve to recommend a new level of participation in government for the north. It was of particular usefulness, as I have pointed out, that the Ministry of Natural Resources embarked upon a land use planning exercise involving a level of public participation which the Commission could observe and comment upon.

In the Guidelines for Land Use Planning 1980, the Ministry clearly stated the advantages of such participation, in that *"Citizens who are familiar with an area can correct any errors or omissions in the data which is collected by planners, create an atmosphere of mutual understanding among opposing groups and contribute to the resolution of conflicts."*

"Citizens who are involved with a planning process can often produce creative ideas which may not occur to planners restricted by the conventional wisdom."

"Those people who are actively involved in an open planning process will generally be committed to the completed plan; citizen participation is possibly the most efficient and cost-effective way of public decision-making that unforeseen consequences can be revealed and opposition can be accommodated before firm positions are reached."

In a letter to the Minister of Natural Resources, the Economic Development Committee of the Northwestern Ontario International Decade Co-ordinating Council asked for his definition of public participation. His reply, dated March 9, 1982, stated that, *"Public participation includes a variety of means of communicating with the public, such as letters received and answered, phone calls and personal conversations, as well as a variety of more formal means like workshops and meetings. Public participation means the citizens concerned with the planning area take part in the planning process rather than reacting to decisions made. However, it must always be understood that decision-making remains the prerogative of government. Public participation involves those affected by the plan, special interest groups, elected representatives at all levels of government and technical specialists. It is a process of mutual education and*

co-operation which provides opportunities for people to work together in the creation of a plan which reflects their collective values, experience and best judgment."

The letter concludes by indicating that, while the Minister "personally favours the information centre as their prime means of achieving public involvement, (he) is quite willing to consider modifying or supplementing this approach if necessary...and trust the foregoing has clarified (his) position on public consultation."

When it came to the implementation of these rationales, the Ministry of Natural Resources chose a number of methods. A description of each, and conclusions drawn from the Commission studies of these methods, reveal the following:

Mailing Lists - Primarily a one-way flow of information, the early planning stages were characterized by inconsistent use of mailing lists, with many citizens and interest groups having difficulty in obtaining copies of documents. However, later planning stages, particularly the district level, found mailings to emerge as a vital tool in combination with "comment sheets" which allowed for a flow of information back to the Ministry. However, native people were seriously underrepresented on the mailing list.

Open Houses - An effective way to facilitate a two-way flow of information, the open house also functions as an educational tool. In most cases, the Ministry's open houses were well organized and favorably received, although a tight schedule posed significant problems to the participants and MNR personnel alike in undertaking a meaningful program. In many cases, the public was given just over one month to respond to the information presented at the open houses, and MNR staff had little time to evaluate the results before subsequent planning stages proceeded. Other individuals were critical of the lack of interest displayed in the gathering of data, and that a "show and tell" attitude prevailed.

Public Forums - As a final stage of the planning process, a series of public forums were held across the province in November and December of 1982. The Minister stated that, "I strongly believe that the views of all resource users must be considered before resource management decisions are made. This is why I am hosting a series of public forums across Ontario this month and in December. The forums I will hold . . . present an opportunity for all, whether special-interest groups or private individuals, to personally convey their concerns to me."

The forums were scheduled for two hours, with the Minister listening to submissions from the floor. Criticism was again that a one-flow of information was being provided, with the public restricted to comments without adequate information from the Minister to allow a useful dialogue. By the Ministry's own assessment, the public forum had earlier been described as, "...the most frequently used method of participation, and in many instances, the least effective."

Special Interest Groups - In the case of MNR's planning process, the use of special interest groups was limited to lobbying in an ad hoc fashion. The Ministry chose to meet separately with the interest groups, rather than mediate or chair joint meetings. Some of the groups claimed that participants were not allowed to participate at the same level of the decision-making process; some of the older, well-established groups clearly had more access than others. In summary, the Minister was reluctant to use this tool in a way that would add to the dialogue.

Advisory Committees - The Ministry stated in 1980 that, *"advisory committees have the most successful means of achieving public participation"* with the ultimate success of an advisory committee depending both on the selection of *"knowledgeable and well-respected"* committee members and the preparation of clear terms of reference outlining the role of the members in the planning process. The Ministry went on to state that *"a poorly selected advisory committee with vague terms of reference"* would do little to enhance the level of public participation in the planning process.

The Ministry of Natural Resources has established some advisory committees at both the district and regional administrative levels. Unfortunately, these committees have only been employed intermittently by the Ministry - for example, at the Strategic Land Use Planning Level, the Northwestern Region had a committee but the Northeastern did not; at the district level, 21 of 25 districts did not have such committees established.

Problems with the committees were evident - in the lack of clarity of the terms of reference, in the lack of a defined decision-making role, the lack of representation from the native communities, in the lack of scheduled meetings, and in the lack of feedback from the Ministry.

Provincial Parks Council - The Council is a citizen advisory body that advises the Ministry on policy and management issues concerning provincial parks. The Council uses a public hearing format to receive formal and informal briefs and/or comments from individuals and groups with respect to parks issues.

The Council was used on three occasions at the final stages of the Ministry's land use planning process to deal with a specific park proposal, the proposed Whitewater Wilderness Park. While the Council performed this function as a "sounding board" admirably, it was apparent that once recommendations by the public were received the Council advised the Minister and decisions were made without direct reference to its input at that point. In this way, the information gathered was again a one-way source, in the same way as the public forums had been. Recommendations of the Council were never made public.

Native Participation Generally

The Ministry was unable to attain the sustained, productive participation of native people, and its planning exercise suffered from a failure to elicit a strong, positive and prospective state-

ment of the native peoples' own priorities. What little it obtained was diffuse, general, negative, and not very helpful to both the planning process and the substance of the plans. The Ministry attempted to secure the participation of native people, as it had been able to do in the case of other interest groups, to obtain a clearer understanding of how their interests could be better accommodated in the plans without compromising seriously its other objectives. While the Ministry would have undoubtedly taken into account any statements of native priorities that it would receive, it did not consider itself obliged to do more than solicit input. The Ministry's apparent position was that it could not reasonably extend the program to the active support of planning an consensus-building in the native communities, for to have done so would have been costly and time consuming. Moreover, the possibility exists that it would have facilitated expression of views that could only give it difficulty. Obviously, the Ministry could discharge its objectives, albeit much less satisfactorily, without native participation.

In conjunction with the specific recommendations in regard to environmental assessment and environmental protection in Chapter III, the application of the environmental assessment process to land use planning should increase public participation in the planning process. However, a number of specific recommendations would be appropriate based on the Commission's review of the Ministry of Natural Resources' land use planning activities.

8.1 Recommendation:

That in any planning process in the north, Ministries and Government agencies place a priority on two-way forums of public participation, particularly those which rely on dialogue between interest groups and individuals; that district and regional advisory committees be created with clear terms of reference and defined roles: and that native participation be encouraged and accommodated.

8.2 Recommendation:

That recommendations of all advisory groups (including the regional and district advisory committees and the existing Provincial Parks Council) be made public prior to Ministry or agency decisions.

8.3 Recommendation:

That the Ministry of Natural Resources continue and regularize its procedures for the dissemination of information, through, open houses, mailings and public forums.

8.4 Recommendation:

That public participation procedures for planning processes be clearly outlined in a public document (e.g. guidelines).

ENVIRONMENTAL ASSESSMENT OF THE MINISTRY OF NATURAL RESOURCES' PLANNING SYSTEM

Discretionary Status

Nothing exemplifies the discretionary status of MNR's decision-making powers more than the professed change in the status of these planning documents from "plans" to "guidelines". As will be further discussed in this chapter, I have noted that the Minister of Natural Resources lacks legislative authority for the land use planning exercise. The Public Lands Act, R.S.O. 1980, c.413, gives the Minister broad general authority for the management, sale and disposition of public lands and forests (section 2). In addition:

"For the purpose of management of public lands, the Minister may from time to time establish classes of zones, such as "Open", "Deferred", "Closed" or otherwise as he considers proper, may define the purposes for which public lands of each class may be administered, may cause areas of public lands to be laid down on maps or plans and may designate such areas as zones, and any areas of public land so designated shall be administered only for the purposes defined for the designated class of zone."

However, as indicated, there is no express legislative authority to point to for the extensive planning activities undertaken by the Ministry.

Given an overriding discretionary power, the Ministry proceeded in the last decade with the creation of policy, regional and district plans, as outlined in the previous section. The 1982 Northern Ontario Strategic Land Use Plan document stated that, *"The purpose of the Northwestern Ontario Strategic Land Use Plan is to identify the policies and objectives of individual programs of the Ministry of the Northwestern Region and integrate these into a comprehensive conceptual land use plan which will both identify and help resolve conflicting demands on the Region's land and water base and at the same time provide an overall strategy within which District Land use Plans will operate."*

The district plans, the result of considerable effort and expense in the specification of inventory related to the objectives and targets in the regional plan, were summarized as, *"...identification of appropriate land and water areas where various Ministry programs will be carried out over a long term. It is with the preparation of this plan that the regional policies and targets will be tested, optional plans developed, and a final plan produced."*

In the West Patricia area, 40 technical and 27 background information reports were distributed between 1978 and 1981. This was followed by the West Patricia Land Use Plan: Proposed Policy and Optional Plans in June, 1982. It stated that, *"The approved District Land use Plan will then provide, for the*

District, overall guidance for the operation of the resource management programs of the Ministry of Natural Resources."

I have noted the extensive documentation that resulted in the final West Patricia District Land Use Plan, now Guidelines, in order to indicate what clearly appeared, to the Ministries involved as well as to the Commission, to be planning documents from their inception. Appendix 14 summarizes the viewpoints of the various interest groups on this matter.

It was not surprising that a major concern of interested parties became the exact status of these plans. At the risk of simplification, the question became: Were these plans the conventional sense (i.e., official plans such as those under The Planning Act) or not? Since the Environmental Assessment Act clearly applied to "... a ... plan or program in respect of an enterprise or activity by or on behalf of Her Majesty in right of Ontario ..." (emphasis added) would the Act then apply to these plans as undertakings?

In response to questions submitted by the Commission November 24, 1982, the Minister of Natural Resources stated, "The purpose of the Ministry's land use system is to provide an inventory of resource capability and guidance for integrated resource management by the Ministry over the next 20 years. It will also present information on where and how MNR proposes to undertake its resource management responsibilities during that same time frame, and provides the public with the on-going opportunity to offer advice and comment. In short, the rationale for the Land Use Planning Program is simply more efficient and effective land and resource management over the long term. The land use plans then are guidelines for resource management by MNR and will be implemented under appropriate existing legislation and the approved programs and activities of the Ministry. All new resource management activities that are undertaken will have reference to the general direction set out in the District Land Use Plans." (emphasis added).

At his appearance before me in the Thunder Bay hearing on April 11, 1983, the Minister of Natural Resources explained further:

MR. POPE: Well first of all the use of the word plan is one of the issues that Cabinet's examining in the total review of this issue. It's been one of the contentious issues that has arisen during the course of public forums and open houses. And the whole purpose of the exercise that the Ministry undertook was one of information gathering and information dissemination. And I have indicated on many occasions that there will be a number of pieces of information and documentation that I would look at when I make an allocation decision under the laws of the Province of Ontario.

MR. SURDYKOWSKI (Solicitor representing the Kayahna Area Tribal Council): Well, my question really boils down to this, if this is not, by this I mean the West

Patricia land use document, this document here, which when I look at it says land use plan. That's not designed to give an outline for what's going to happen. I mean, why was the term land use plan used?

MR. POPE: Well, obviously because there's such a disagreement over what it means, it probably shouldn't have been used.

The Ministry of the Environment, in evidence provide before me on April 27 and 28, 1983, stated: "One issue of critical importance is whether or not a land use plan is an undertaking. The only related experience that we have to draw on to date is with Municipal Official Plans. The Act has not been applied to the official plans of organized municipalities since they are not specifically related to enterprises or activities and are not, therefore, undertakings. Official plan amendments and by-laws, however, may be activity-specific. For example, to permit the establishment of a landfill site, and are thereby affected by the Act.

"To date, the Environmental Assessment Act has been applied to the Ministry of Natural Resources' work planning activity level and resource management planning level. And, this is reflected in the nine approved class environmental assessments, the two class environmental assessments under review and the three pending class environmental assessments, for that Ministry...

"Now where we are at with the Ministry of Natural Resources, we have a number of class environmental assessments in place, approved at the work activity planning level and I will go into those in a moment. Some of them are in preparation. There are three class environmental assessments in preparation at the resource management level. And, as Mr. Redgrave mentioned in to -- in his opening remarks, we have not experienced this type of activity under the Act, to date, and we are -- we are open to your recommendations on that matter, Mr. Commissioner. We feel that -- that these plans are simply guidelines and not detailed and the Act would not apply at that level."

Counsel for the Ministry of the Environment further explained at the Thunder Bay Hearing, April 27, 1983:

MR. MULVANEY (Ministry of the Environment): ... I don't think it is a question of trying to assess whether it is in one category or another. From a lawyer's point of view, which is the evaluation we would have to make, as to whether the Act applied to land use plans, the question is whether the Minister of Natural Resources, in giving it that particular role, is within his authority to do so. I think the answer is yes. It's he is. It may well be that a number of the documents don't yet reflect that position and perhaps should in the future, but I think he is making a policy statement within his authority to do so. In other words, he has the authority to characterize the plans in that way.

So we are prepared to accept that characterization and reach a legal conclusion on the basis of that.

MR. WINGENROTH (Sioux Lookout Trappers Council): Okay, then just by calling a horse a donkey doesn't necessarily make it a donkey, even though somebody may have the power to do so. To us, it is still a horse and it seems weird that you would go along with the policy statement, say, okay, since it is called a donkey we will just leave it at that.

MR. MULVANEY: But the analogy isn't a good one. What he is doing is he is giving a specific status of land use plans. He is saying that within MNR, these plans are going to be loose guidelines. They're going to be one channel of advice coming into Cabinet. And I take the view, as a lawyer, that a Minister of the Crown has the authority within his Ministry to give that status to the process, and if I am correct in that, then the legal conclusion follows from that, that that's all they are.

In questioning by the Kayahna Area Tribal Council, the Ministry of the Environment added (at the Thunder Bay Hearing, April 27, 1983):

MR. SURDYKOWSKI (Solicitor representing Kayahna Area Tribal Council): Were these guidelines at one time plans, and they changed to guidelines?...

MR. RENNICK (Director, Environmental Assessment Branch, Ministry of the Environment): I would say the answer to that is yes. That would be my understanding.

MR. SURDYKOWSKI: And at the time that they were plans, the environmental assessment process would have been applicable to these documents?

MR. RENNICK: If those plans were with respect to specific activities and enterprises, as the Act indicates, then yes, it would apply to them.

MR. SURDYKOWSKI: Well, maybe this is where the confusion has come in then. At one time they were plans and now they are not.

MR. RENNICK: That is correct.

Counsel for the Commission further questioned Counsel for the Ministry of the Environment on this point at the Thunder Bay Hearing, April 28, 1983:

MR. WATKINS (Counsel to the Commission): . . . your problem is its difficult to determine whether you're going to be assessing the plan as a plan, or as the

criteria that were used for a particular allocation, or particular resource?

MR. MULVANEY (Ministry of the Environment): Yes. I think that's a good way of putting it.

MR. WATKINS: But that dilemma hadn't bothered you until just recently because previously you were willing to accept that the plans, as individual plans, would be themselves, subject to environmental assessment?

MR. MULVANEY: That's correct.

MR. WATKINS: And not necessarily their implementation.

MR. MULVANEY: The dilemma didn't occur to, well maybe it did occur.

MR. JACKSON (Ministry of the Environment): The dilemma had occurred to us, but we were anticipating receiving an individual environmental assessment that dealt, not with the document as a document, but with the document as a thing to be implemented, and the implementation of it. We didn't expect we'd receive an environmental assessment that stopped at the point where the Minister of Natural Resources was about to stamp his approval on the plan.

MR. WATKINS: Whatever that means.

MR. JACKSON: Yes.

MR. WATKINS: In other words, you viewed the plan as being a document which contained a resource inventory, resource capability predictions or assessments and allocations to particular classes of use?

MR. JACKSON: That is what we thought it was.

MR. WATKINS: Until it was categorized in a different fashion?

MR. JACKSON: Until it was changed. Yes.

MR. WATKINS: What a difference a label makes.

Given the unfettered discretion of the Minister of Natural Resources to ascertain the moment-to-moment status of the "guidelines", I accept that the Minister is legally within his jurisdiction in his designation and approval of these documents.

I must, however, speculate on a number of important questions -- first, was the change in status from "plans" to "guidelines" merely one of terminology or were other factors at work? With all due respect, it is not difficult to conclude that there were at least two related reasons for this tardy revision.

First, the Ministry may have realized that the creation of something akin to official plans created a more binding authority for their contents that would then be desirable, i.e., "flexibility" would be a more acceptable goal for the Ministry. Second, the Ministry may recognize that such plans created expectations by interested parties that there would be predictable, clearly defined rules to live by and therefore, public challenge would be possible, leading to an erosion of the Ministry's discretionary powers.

The Ministry, despite the eager acceptance of its policy as expressed by the Ministry the Environment, may have recognized that a characterization of the plans as undertakings under the Environmental Assessment Act would result in an unfavorable assessment of the documents themselves, i.e., the Ministry must assess "alternatives" to the undertaking. As well, in sharing a perception that the environmental assessment process would entail added delay and expense, it was to be avoided.

I am unable to substantiate which, if any of the above factors contributed to the abrupt change in the status of the Ministry of Natural Resource's extensive planning program. On the evidence before me, I can only conclude that the Ministry of Natural Resources played the leading role in the decision, with a passive Ministry of the Environment reversing their expectations when called upon to do so. And, for reasons given in Appendix 14 (pages 60 to 65), I am apprehensive that the entire resourced planning system could escape effective scrutiny under the Act.

A second question is that of my view of these documents in the future. I must conclude that, given the importance and magnitude of the planning process for the future of northern Ontario, and the serious problems with the guidelines I have outlined above, it is unacceptable that the Ministry of Natural Resources should use these guidelines as the basis for decision-making in the north. The overriding discretion in the Ministry in its control and management of Crown lands must be subject to constraint.

8.5 Recommendation:

That the Ministry of Natural Resources publish the land use guidelines for the West Patricia and Geraldton Districts and, when available, for Moosonee District, at the same time making clear that all such documents represent the views of the Ministry and have no official status as the basis for implementation decisions by the Ministry.

Application of Environmental Assessment to Planning

From its inception, the Commission has heard repeated calls from interested publics for the Ministry of Natural Resource's planning activities to fall fully under the Environmental Assessment Act. Indeed, the Ministry had originally intended to have the West Patricia Plans subject to the Act. The Background Information Paper of January, 1982 stated that, "Once the plan has been approved by the Minister of Natural Resources, it will be

submitted to the Minister of the Environment and subjected to an environmental assessment. . . . The Minister of the Environment may conduct hearings open to the general public thus providing another opportunity to review the Plan. If revisions are necessary, it will be returned to the Minister of Natural Resources for specific alterations. Once revisions are completed, the document will be resubmitted to the Minister of the Environment for approval."

However, considerable internal discussion took place which ultimately resulted in the decision that environmental assessment was not required. An environmental impact assessment document was underway before the decision was reached.

Other than from the Ministry of Natural Resources itself, only a few industry submitters have presented us with arguments that the Ministry's activities should not fall under the EAA. Those arguments could be summarized in the following way, that is, the Act was not designed to apply to such "nebulous" non-specific undertakings, and if it was applied, considerable delay and expense would be the result. For example, Dome Mines, in its submission, stated, "The objective of greater public participation in the decision-making process has not been well served by the Environmental Assessment Act. Exemptions from the applications of the Act have been given for good reasons, which is direct evidence of its shortcomings. Unfortunately, such exemptions have removed projects from the formal requirements of any public involvement without providing a workable alternative. Essentially, the decision-making process not operates at two extremes. In one case, little or no public participation is required but the job gets done, at least in the mining industry, with a high degree of open consultation and with minimal negative impact to the environment. At the other extreme is the Act with its time-consuming and expensive procedures."

No specific documentation has been received by the Commission from industry representatives to substantiate the view that application of the Environmental Assessment Act has in fact caused additional delay or expense. Experience would lead me to believe the opposite; if environmental assessment is used effectively, it may reduce the overall time of implementation of the undertaking, at reduced cost. In any event, I am much aware of the policy reasons for the passage of the Act, as stated in Section 2, "The purpose of the Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment."

I have come to agree with those submitters, such as the Algonquin Wildlands League, who "...believe that reading the entrails of the land use planning program is an exhaustive project with no certain end - somewhat like peeling an onion", particularly in respect to the extensive regional and district plans presented to date by the Ministry. However, my mandate specifies that I recommend improvements in the major decision-making process involving public lands in Northern Ontario. I believe the application of the Environmental Assessment Act to such planning is such an improvement.

Ministries, as well as others who undertake planning programs, must be encouraged to take the next important step - to use Ontario's existing environmental planning legislation, the Environmental Assessment Act, to provide the improvements necessary for a comprehensive planning system for the north.

I find it difficult to accept that the Ministry of Natural Resources embarked upon its ambitious program without wishing to have a final plan (subject to normal review processes), at the policy, regional, district and management levels, for each area encompassed by its research and inventory activities. These documents are plans for the north which - while not comprehensive and, therefore, not acceptable at the present time - are near the goals of a predictable, credible and orderly public land use commitment. The Ministry of Natural Resources, as well as others, must, therefore, not recoil from the implications of its decisions. It must be encouraged to take the next step.

I have concluded that Ontario has already recognized the need for comprehensiveness in the consideration of undertakings in the public sector (and, by designation, in the private sector) through the passage and implementation of the Environmental Assessment Act. Environmental assessment in Ontario developed out of a public awareness that a broad range of factors needed to be considered in a comprehensive way before such major undertakings were implemented. It was recognized that such major undertakings could create future problems which environmental protection and management processes under existing legislation were insufficient to alleviate on their own. Ontario (although nearly all provinces and territories now have some environmental assessment process) took the lead in designing comprehensive legislation to assess projects before their approval.

This legislation provides a means to compare alternative locations or methods of achieving the purpose of the undertaking, ensuring that widespread environmental affects of the project will be considered at an early stage, providing consideration of methods to avoid or mitigate adverse environmental effects, and allowing for a range of public participation from pre-submission consultation to formal hearings. It could be described as planning legislation with particular emphasis on the environmental consequences of this specific undertaking. However, such a distinction is likely a distinction without a difference.

Planning processes in Ontario, whether it be at the local municipal level through official plans, zoning by-laws, and subdivision control or at the broad policy level for Crown lands use, allocation and management, are subject to the same pressures and concerns. Conflicts between economic feasibility and community objectives abound, and public concerns and demands have increased as "quality of life" issues are exposed, with increased professionalism on all sides of the particular issue involved. It is much too late to return to discretionary and loosely defined guidelines, to "public consultation" in the form of open houses, and to private meetings perceived to be the satisfactory allowable input by decision-makers. It is imperative that the Ministry of Natural Resources, or any other Ministry or government agency,

never be allowed to return to decision-making out of the manager's drawer or at the whim of special interest groups or individuals. The application of environmental assessment to all planning processes at each level of specificity can ensure:

1. a full range of biological, physical, social, economic and community concerns are canvassed.
2. consideration of alternatives to any given plan, so that biases by proponents are avoided and full consideration is given to other points of view.
3. a process and framework that, after full consideration of the issues, allows for trade-offs between economic and community goals underlying planning decisions.
4. increased knowledge and understanding of primary and secondary effects of actions to be taken on various alternatives.
5. a legislated, clearly defined process for full public input into proposed plans.
6. adequate environmental data gathering and presentation.
7. a single province-wide standard for planning of public undertakings within a comprehensive planning process.

I recognize that the following recommendation will not meet with universal acceptance. Some industry representatives, but particularly the Ministry of Natural Resources, as we have seen, will view this recommendation as leading to increased delay and expense in their existing planning process. As I have discussed in the section on environmental assessment, I do not share the view that, in the long term, such problems, will in fact occur. The Ministry of the Environment agreed that, "A planning process focusing on predicting the potential effects of an undertaking is established under the Environmental Assessment Act so as to best evaluate the various options proposed. In this way, the negative effects can be minimized, or, at the very least recognized. As the Ministry of the Environment pointed out in its 1977 brief to this Commission, industry planners have realized that this approach to major projects is advantageous to their firms. Several companies have voluntarily gone through the environmental assessment process and capitalized on it.

The Environment Ministry quoted the Kimberley Clark Company's view of this process as it was applied to Mill Expansion at Terrace Bay: "Our Environmental Assessment, together with the discussions and exchanges with your Ministry and others regarding it, greatly assisted us in identifying potential problems in the early stages of our project and enabled us to incorporate modifications ... in the overall development'." More specifically, Parks for Tomorrow asked, "...the government to live up to its stated commitment and ensure that all land use plans, including WPLUP, be subjected to the scrutiny provided for by the Environmental Assessment Act. We see this as an important

supplement to the hasty and narrowly-conceived approach MNR has brought to this planning exercise."

While it will still be necessary to subject site-specific undertakings to the Environmental Assessment Act, as provided for in that legislation, I would hopefully predict a lessened necessity for such action and a consequent reduction in the number of such individual assessments. One obvious example would be that, if public concerns are resolved totally in the planning stages (as well as through pre-submission consultation), it may be possible to reduce the number of outstanding issues or to lessen requests for environmental assessment hearings altogether.

In addition, I have observed the Ministry of the Environment waiting and reserving judgment on this issue. I am very concerned with their hesitance to advocate a comprehensive planning process, through the use of the Environmental Assessment Act, which has been demonstrably successful in other jurisdictions. The Ontario Environmental Assessment Act, as the most progressive assessment legislation in Canada, must be, and I hope will be, supported by the Ministry that administers it. It can only be said that its performance on this issues has been disappointing in its passivity, and destructive of public confidence in the Ministry of the Environment. We are paying a high price for the Ministry's lackadaisical attitude to the legislation under its jurisdiction. This must end.

8.6 Recommendation:

Given that section 1(o) of the Environmental Assessment Act defines "undertaking" to include "proposal, plan or program in respect of an enterprise ...," and given the potentially significant environmental impacts of any enterprise involving resource development north of 50, that all proposals, plans and programs, including regional, district and management plans for use north of 50 (and all land use planning activities and all regional, district resource and forest management plans) be subject to the Environmental Assessment Act.

It is evident that there are a number of procedural paths that the assessment of land use planning could take. One path already followed is that of the class assessment; however, it is clear that such an approach may meet with limited success and has limited uses.

It is not my intention to recommend a specific form or process of assessment of land use planning but rather to actively support the use of the existing environmental assessment process. A number of procedural implications offer particular challenges and additional resources are implied.

I am well aware, for example, that the Ministry of Natural Resources, in their consideration of this matter, was concerned with the mechanics of assessing environmental impacts over a large area. It seems apparent, on the face of it, that one solution, as is evident in other jurisdictions, is environmental assessment as

the level of the planning process; i.e., the level of detail is reflected in the level of planning process. Another example would be in the presentation of the "alternatives" section of the environmental assessment. For a large-scale regional plan (such as West Patricia), it could be "alternatives to the regional plan", not "alternatives to possible uses under the plan" (the latter following naturally at more specific planning levels).

8.7 Recommendation:

That an active inter-ministry committee, involving the Ministry of Natural Resources and Ministry of the Environment, establish guidelines for the application of the Environmental Assessment Act to planning processes in the north; clearly defined procedures should be implemented for the assessment of plans. Alternatively, the Environmental Assessment Advisory Committee could undertake to develop guidelines or special procedures for the environmental assessment of proposals, plans and programs.

LEGISLATIVE BASIS FOR LAND USE PLANNING

The Ministry of Natural Resources' responsibilities for management of public lands are spread among at least 57 statutes administered by that Ministry. (It is to be noted that the Ministry of Natural Resources, Legal Services Branch, was unable to provide a comprehensive list of statutes administered by that Ministry). The elaborate land use planning exercise embarked upon in the last decade, involving the expenditure of approximately \$5-million, has no specific legislative base. As I pointed out in the previous section, its ad hoc processes have been subjected to twists and turns (from "plans" to "guidelines", for example) that have created a maze of contradictory and sometimes incomprehensible policy direction to the public, and certainly to this Commission.

While, for example, Section 12 of the Public Lands Act provides for "zoning plans", the Minister (Honourable Alan Pope) in his appearance before me, maintained that the legislative basis for land use planning activities was not based on that specific provision but instead dispersed among the statutes administered by the Ministry. He maintained that this was not a problem because "the legislative base is clearly set out in the existing statutes of the Province of Ontario. There is no mystery to them; they are quite clearly there and the Legislature of Ontario has, on many occasions, discussed the land use planning program and some of the individual specific concerns of various constituents of the members of the legislative assembly."

I have been advised by my counsel, who have reviewed the 57 named statutes administered by the Ministry of Natural Resources, that while the legislative authority over defined land, resources and activities is provided by the relevant legislation, the legislation is silent on the policies and procedures for its land use planning exercise. While the lack of a specific legislative direction in and of itself is not necessarily a fatal flaw in any

planning mechanism (examples of such could be pointed to in other jurisdictions), it is readily apparent that a planning process developed by any Ministry or government agency demands a clearly articulated legislated authority.

Ministry assurances that land use planning is discussed at the Cabinet level does not answer satisfactorily the major issues at stake for the future of Ontario, particularly to those with a direct interest in these matters. One need only ask why it is necessary for southern Ontario to have substantial legislation, with exacting procedural requirements, such as the Planning Act, if such assurances answer the question. Residents of southern Ontario would no doubt find it surprising to be governed by discretionary, ever-changing "guidelines" which, without great faith in the internal workings of Cabinet, make the future seem insecure indeed.

While it may be said that this begs the question of government control over Crown lands and the influence it can extend over private lands, it is perhaps self-evident that responsibility of government should be much greater, not lesser, towards its public resources.

At the very least, I would maintain that any Ministry must be able to point to specific legislative authority for a substantial planning undertaking. In regard to the Ministry of Natural Resources, legislated land use planning process, whether independent of existing legislation as The Public Lands Act or separate legislation, could lead to a predictable, credible, and comprehensive process that is sadly lacking under the its present land use planning activities.

The importance of the planning exercise embarked upon by the Ministry of Natural Resources is not to be diminished by the comments above. It is an important step in the evolution of that Ministry, and despite the extensive criticism levelled against the substance of the guidelines and the public participation process, offers a starting point for further positive direction. As Polar Gas stated in its submission, *"Regional planning exercises such as the West Patricia Land Use Plan and the Royal Commission on the Northern Environment, constitute positive attempts to achieve a co-ordinated approach to regional planning, and are particularly useful since they take into account a range of social, cultural, environmental and economic issues. The eventual evolution of a set of land and resource use priorities will provide more clearly defined guidelines within which industries wishing to locate in Northern Ontario can orient their submissions and performance, and will provide a more effective standard of evaluation for residents and government, which in the end saves all parties time and expense."*

It is time to establish a formal legislative base that would "flesh out" the exact nature of the policy and/or process for that future direction of policy coordination and effective public involvement.

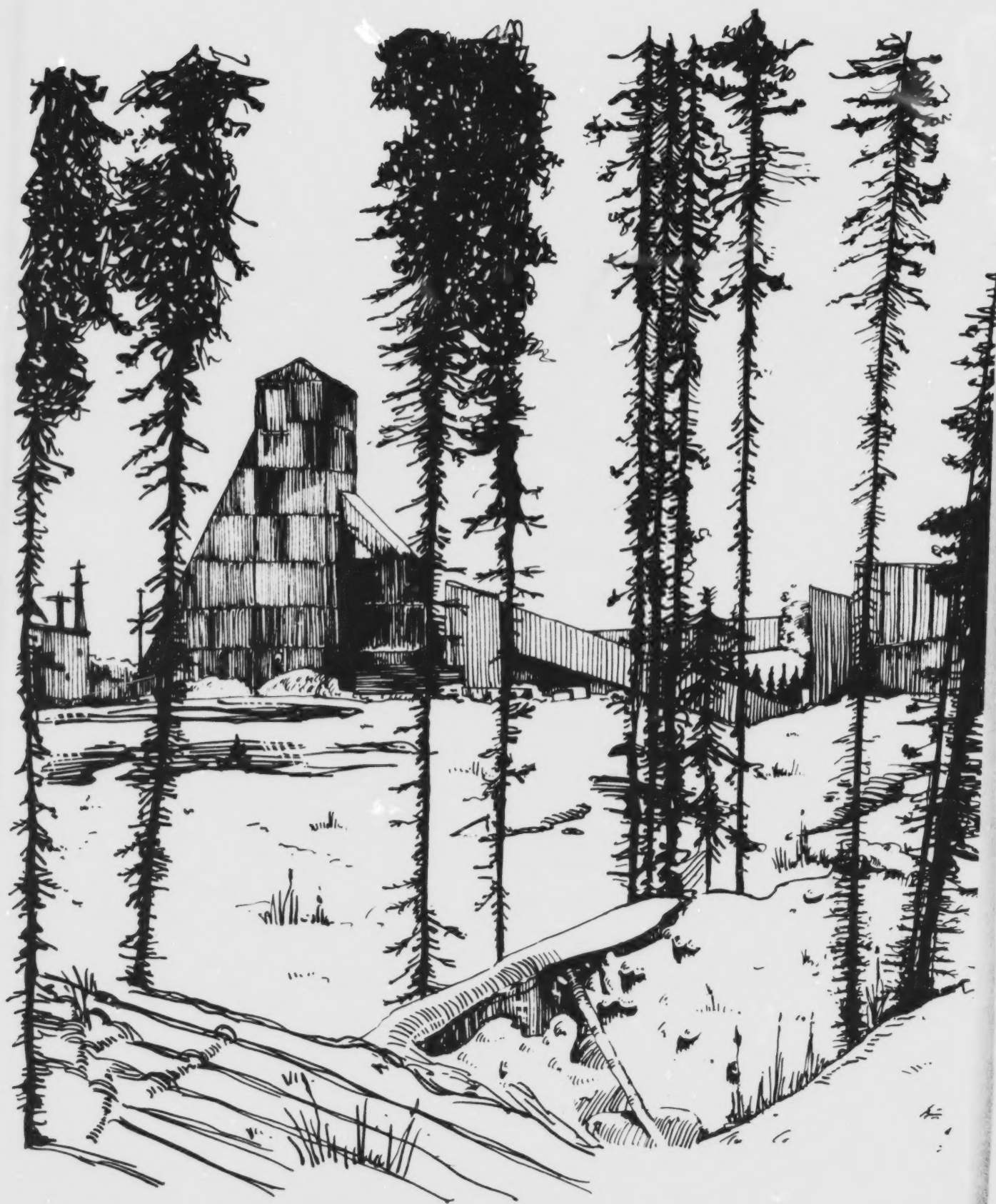
8.8 Recommendation:

That each Ministry and government agency involved in planning develop a single, specific legislative base, either by new legislation or by amendment to existing legislation for planning activities.

Using the Ministry of Natural Resources as an example, new legislation might include:

- 1) a clear policy statement on the purpose and importance of land use planning on Crown lands in Ontario;
- 2) clarification of this policy in relation to existing internal mechanisms and other ministries;
- 3) a specifically outlined procedure for resource allocation and management decision-making, including amendment, review and appeal procedures, as well as clearly specified time periods;
- 4) provision for a specific operational policy on public participation; and
- 5) provision for public advisory groups on a district, regional and/or provincial basis.

If the Northern Development Authority is established, its role in designing and negotiating resource use agreements should in some way be integrated with planning activities. Its experience would be a useful source of information to planners. It should in turn have privilege access to all relevant government planning process.



CHAPTER 9

RESOURCE DEPENDENT COMMUNITIES

As we have seen, it becomes clear that the northern environment and the 30,000 Ontarians living north of 50 stand in stark contrast to that experienced by residents of the more populous and industrialized south.

While many of the issues and problems in Ontario north of the 50th are common to all people in the region regardless of location or ethnic origin, there are a number of problems which pertain predominantly to the single industry towns generally located in the southernmost portion of the region, either stretched along the Canadian National rail line or the Trans-Canada highway and communities some 160 kilometers or more north of the railway established by the mining industry.

The historic vexation of northern single industry communities often referred to as within the treasure box of resources, is that the riches resulting from more than half a century of mining and logging have continued to flow to people and centres in the province's southern half. Of the cash flow of multi-millions of dollars almost nothing is left behind in the form of first-class community infrastructure for the people responsible for producing the flow of dollars, to acknowledge their input and make their lifeway more fulfilling. Instead they have been left to coax for meager dollars to build, staff and maintain schools; there was no help for recreational facilities and people had to provide these themselves with the assistance of industry, who were not allowed by the taxation department to consider these expenditures as operational costs.

Following construction of the transcontinental railway, tenacious, experienced geologists and prospectors led the way in penetrating the north, bringing about the establishment of new mining communities. Lacking any roads or transportation facilities, the mining industry had to develop its own water transportation system to move in mine equipment, milling machinery, building materials and supplies. Townsites had to be built up at the mine sites to house and service their employees without any government assistance. There were no roads to connect these communities with the southern highways until some 25 years later. When resources were depleted, the projects closed, abandoning the workforce and leaving the community without taxable support. The "boom-bust" cycle of life in a one-industry town was established and remains with us today.

The stark reality of these towns necessary for the province to reap its natural resources, is that their very existence depends on the economic health of the resource industry and, unless a tourism component is established, or they can otherwise diversify, they are incapable of dealing with a sudden industrial downturn. Pickle Lake, Beardmore, McKenzie Island and Madsen are some examples of industry closures leaving people unemployed and a depressed housing market in their wake.

Over time, circumstances singled out towns such as Sioux Lookout, Red Lake and Geraldton for survival. These single-industry towns were able to diversify with tourism and logging operations, and due to their re-established stability, governments saw fit to set up regional or district headquarters in them bringing additional stability to the communities. In addition, these towns, connected with the highway system and having airport installations, are serving as transportation corridors between isolated northern settlements and the province's more populated regions.

Two obvious threats exist to their continued economic health. One is government cutbacks which could reduce civil service positions and cause a notable decline in payroll income for these centres, leading to secondary effects such as reduction in passenger volume for the transportation sector which relies in part on the movement of government employees and government-related travellers. The second threat comes from a downturn of resource activities in the immediate area. Because goods, services and people are transported throughout these towns to production sites (i.e. mines, logging camps, hydro and communications installations) via the service centre, a decline in business for the town's entrepreneurs can follow a site closure.

In towns along the CNR line which rely exclusively on resource extraction operations to the north, any downturn or stoppage of those operations removes the community's only source of employment and revenue — unless a viable tourism industry exists or can be established.

QUALITY OF LIFE

As history has shown, such threats often become a reality in the north and it is these constant boom-bust cycles which create a further disparity between life in the north and life in the south of Ontario.

Social services, which remain generally constant in the south, fluctuate greatly in Ontario north of 50 where the economic ups and downs produce a consistent lack of good recreational, health and education facilities as well as a chronic shortage of professionals such as doctors, dentists and teachers. The effects are varied. As the Moosonee Recreation Committee told us during our hearings there in 1978: *"Recreation is a very high priority in this community but there is a great lack of funds for it. Recreation is a must here because of the high unemployment problem."* At the same hearings, the Moosonee Metis and Non-Status Indian Association offered another perspective on the effects of boom-bust cycles: *"If the population in our community is to increase, we must have adequate housing in a price range which people will be able to afford."*

The task of raising necessary funds to establish conditions within the communities which offer a more satisfying and fulfilling life becomes an arduous task. These difficulties, which continue to plague northerners, were acknowledged in a submission by the then-Ministry of Treasury, Economics and

Intergovernmental Affairs in their submission at the Timmins hearings in November, 1977: *"The relationship between the availability of services, including the cost to users or property taxpayers, and development is well known; the lack of services or their high cost makes it difficult for such communities to attract and retain people even when jobs are available."*

One of the classic arguments put forward as a solution to improving the attractiveness of resource-based communities to investors is to improve local servicing: from 'social' services (education, health and recreation) facilities to 'hard' servicing infrastructure such as sewer, water, roads and power utilities. The provincial Government is to be commended for its recognition of the urgent needs of northern communities, by establishing the Ministry of Northern Affairs in 1977, and the positive support given this new Ministry to fund many of these long needed hard servicing facilities, but the Government continues to be somewhat tardy with respect to social services.

During the 1977 Red Lake hearings, the local Tri-Municipal Committee detailed some of the reasons for the high rates of population turnover in northern communities: limited social and economic opportunities; periodic fluctuations in the economy and uncertainties regarding jobs; the narrow range of education and recreational opportunities for children and adults; dissatisfaction of women with job opportunities; and a sense of isolation.

Severe climate, social and physical isolation, the high cost of fuel and supplies, and the perceived lack of services also contribute to a high labor turnover and the exodus of young people and professionals to southern population centres.

The result of this type of outflux is highlighted by Geoffrey Weller in his 1977 paper, "Hinterland Politics: The Case of Northwestern Ontario," published in the Canadian Journal of Political Science: *"The economics of extraction thus develops an atmosphere in which much of the local population feels exploited, underprivileged, alienated and unable to control either their own destiny or that of the region. Local elites play a minor role in the decision-making affecting northwestern Ontario. All they can hope to do is somehow influence those who do make the decisions. ... It might be argued that the ability of the region to bring pressure to bear on the federal and provincial governments for basic changes in its hinterland status is hampered by the apparent need to apply constant pressure simply to obtain essential services that are provided almost automatically in the metropolitan centre."*

And yet, the appeal of the northern lifestyle — away from the crowding and fast pace of southern cities — remains. As Confederation College of Applied Arts and Technology pointed out in its 1983 submission to the Commission: *"Jobs attract people but quality of life factors keep them in communities north of 50."*

The question of who should pay for additional services beyond what the local tax base can provide is central to the problem of what can be done to improve the social and economic quality of life in northern communities. The fact is that Ontario has an ongoing need for its natural resources. Therefore, it is obvious that the Government has a responsibility to provide services comparable to other communities in the province for those Ontarians and their families prepared to undertake resource extraction jobs in the remote north.

Many northern communities, surrounded by resource extraction activities, are forced to watch as resources are taken from their immediate areas with no taxes or royalties being paid to the community.

The incongruity of the situation can be illustrated by the communities in the Red Lake Board of Education district. Forests within the district are harvested to supply pulpwood which is trucked daily past their towns and out of the area to the Kenora and Dryden paper mills on which Crown royalties for the wood, at the rate of \$8 per cord, amounts to \$2.8-million annually. The underground mining tax paid annually by mining corporations in the same district is close to \$20-million but no sharing formula exists so that the local school board can benefit directly or indirectly from these revenues. Ignace, the supporting community for the Sturgeon Lake mines 80 kilometres to their north, has the same disadvantage; and the communities of Marathon and Manitouwadge, which will be housing the personnel of the major HEMLO gold mines now under development, face similar challenges. The list goes on. Unquestionably part of these royalties and underground mining taxes should be directed to a northern fund, administered by northerners, to provide first-rate education, recreational opportunities and medical/dental facilities in northern towns. At present all corporate taxes, royalties and underground mining taxes flow to the general provincial and federal treasuries.

It becomes incumbent on the Government of Ontario to hear the needs of the northern people to provide their youth with the breadth of education, recreational experiences and exposure to the arts, that already exists in southern Ontario.

9.1 Recommendation:

That the Government of Ontario establish a special fund administered by a board of persons representative of the north; that the fund be used for medical, educational, cultural and recreational purposes in communities north of 50 at the discretion of this board; and that the fund be comprised for the first three years of 25 per cent of revenues collected by the Government of Ontario from mining and forest undertakings north of 50 in the form of underground mining taxes and stumpage fees and subsequently, such percentage as is fixed each year by the Provincial Cabinet.

NEED FOR ECONOMIC DIVERSIFICATION

Historically, some hinterland towns in Ontario north of 50 have enjoyed a fairly stable economy based on a major industry with a long lifespan. Small retail and service-oriented businesses are firmly established, and a general sense of 'community' has become a fact — despite some social and economic hardships caused by their high cost of living and isolation. As discussed, this situation can be disturbed, however, if resource supplies start to disappear or production cutbacks are necessitated by a sluggish international market.

The economic reality of one-industry towns was pointed out during the 1977 Red Lake hearings in a submission by a group called TREES (Taking Responsible Environmental and Economic Safeguards): *"Without diversification within the local economy people are coerced into making crisis decisions which present, at best, a very questionable future."* This outlook was supported by the Ministry of Community and Social Services in its March, 1983, submission: *"Communities should not be based solely on one industry/enterprise, but rather should strive to have some diversification in order to achieve some protection against the vagaries of market conditions. ... Towns and communities with governments (all levels) must plan and control, where necessary, economic development in order to avoid the massive social dislocation that is manifested in 'boom/bust' towns and communities."*

The challenge for northern communities is to broaden their economic base through diversification before any major resource problem develops. The options are not extensive and, as I have indicated in Chapter 7, the one exception is tourism. Tourism has enabled communities to establish a more mature economy capable of surviving a reduction in or closure of their primary industry. This increases the importance of my recommendations in Chapter 7, Tourism, which I will not repeat here.

GOVERNMENT ASSISTANCE

While the situation is becoming better known the plight of northern communities has not yet found priority in economic-decision making by politicians.

For instance, the Ministry of Treasury and Economics announced a new province-wide program (The Community Economic Transformation Program) which was scheduled to begin in 1984/85 budget year. This program was aimed at directing assistance to communities that *"are experiencing extreme structural change and severe and persistent economic problems..."* especially those with large welfare caseloads, increasing population growth and major plant closures. These qualifications are similar to the conditions experienced in "bust" towns as a result of mine or mill closures. However, with a relatively limited budget and an unofficial priority given to communities with populations exceeding 30,000-40,000, it is unlikely this program will have any impact on the area north of Sudbury in the east or Thunder Bay in the west.

Turning to the Federal Government, the reorganization of federal economic development job creation programs appears hopeful. However, it is still too early to determine the real merits of the program. For example, one serious misjudgment on the part of the Department of Regional and Industrial Expansion (DRIE) for developers is the designation of northern Ontario largely as a "Tier I" region — meaning the area is predominately economically stable, thus of the lowest priority for assistance. For most programs offered under DRIE's Industrial and Regional Development Programs, eligible northern Ontario businesses or municipalities must put up 25 per cent more local capital than their counterparts in economically similar regions of the country that are designated as being "Tier II" or "III" and therefore considered to be more in need. These limitations or conditions illustrate the frustration caused to resource dependent communities.

However, the Ministry of Northern Affairs has indeed built a good reputation and presence in northern Ontario and its role as program coordinator and public educator could become indispensable (as it already is to some extent). For example, it would be beneficial if a new community desiring a full range of "start-up" services (social and physical) could negotiate entirely with one agency — MNA. The Ministry should represent the interests of the other funding agencies and be responsible for communications back and forth between Queen's Park and the north. The other agencies would fund their own programs and administer them in terms of determining eligibility, establishing financial accountability, project direction and evaluation. MNA could assume the responsibility of introducing the "client" to the available programs, providing liaison advice throughout the life of the project and afterwards if necessary. The benefits of having one Ministry to deal with arises repeatedly and a recommendation for this appears elsewhere in this report.

The Small Business Development Corporation (within the Ministry of Industry and Trade) through its subsidiary — the Northern Ontario Development Corporation (NODC)— has created many successful business ventures in the southern portions of its jurisdiction but few new ventures have been created by this agency within the Commission's mandate area.

Recently a new program — "NORDEV" — has been announced by the Ministry of Northern Affairs, offering grants primarily to private sector businesses with the general intention of stimulating job creation, resource development and tourism development. Specifically, the four major components of the program are:

- 1) an employment incentives program to encourage private sector growth;
- 2) an industrial infrastructure program to offset the high cost of sewer and water implacement (in a municipal industrial park, or in a particular construction phase);

- 3) a resource diversification and development component to fund private sector studies of new innovative techniques/technology and also feasibility studies; and
- 4) a tourism development component to fund planning and marketing studies for new business potential, and marketing studies for existing operators.

The \$10-million program, funded by the Ministry of Northern Affairs, is to be administered jointly by MNA and NODC over a five-year period.

The integration of NODC and MNA expertise in the management of NORDEV is an improvement in provincial economic development policy. NODC has developed considerable expertise in the administration and day-to-day management of industrial development programs which can be shared with entrepreneurs and municipalities alike. MNA is quickly establishing a reputation as the Ministry most aware of the northern "plight" and the Ministry most easily accessed. Together these agencies provide an integrated pool of business expertise, a sound knowledge of northern concerns and issues, and the vehicle for widespread support of the program's potential.

In its role as co-ordinating lead agency for most provincial and provincial/federal programs, and administrator of its own internal programs, MNA has become somewhat of a "one-stop-shopping" agency wherein concerned northerners can reach local government offices and speak with civil servants who are experts in northern affairs and government policy (most of whom are northerners themselves).

The Ministry's increasing efficiency and developing rapport with local people gives it a future potential which is only now being recognized fully.

9.2 Recommendation:

That the Ministry of Northern Affairs act as the coordinator and "one-stop" source of information and assistance for provincial and federal economic development programs, to include working closely with the Northern Development Authority to ensure maximum benefits to northern residents.

9.3 Recommendation:

That the Ministry of Northern Affairs develop and maintain in each of their northern offices a current bank of data on the many Government and private sector agencies offering financial expertise and assistance in the establishment and financing of new enterprises.

Northern experience and maturity through trial and error has brought about the realization that governments alone cannot be expected to create jobs. Ontario north of 50 is not, and probably never will be, a small-scale replica of southern Ontario or even

of the "mid-north" on the southern side of the 50th parallel. Its population will probably always be small in comparison with that of other regions, and its communities small and scattered. Manufacturing and agriculture — the economic bases of the south -- probably will never contribute much to the prosperity of northerners. In fact, if southern models of economic development are applied to the north, they may well be doomed to failure.

Experiences in Third World countries have demonstrated that it is foolish to try to graft industry onto physical and social conditions which do not provide a suitable base for it. Such experience correspondingly demonstrates that it is wiser to base a region's economy on human and natural resources which already exist. This does not necessarily mean that some form of manufacturing industry will never emerge, but its emergence should be allowed to take place as a natural development of an evolving economy, not as a forced transplant.

In Ontario, if the north is approached on its own terms and if opportunities are sought for economic development based on the imaginative use of northern resources for the benefit of northerners, opportunities are most likely to be found. Again, I stress, the future of the north has to be conceived as complementary to the south and on a par with it, but not a miniature reflection of it.

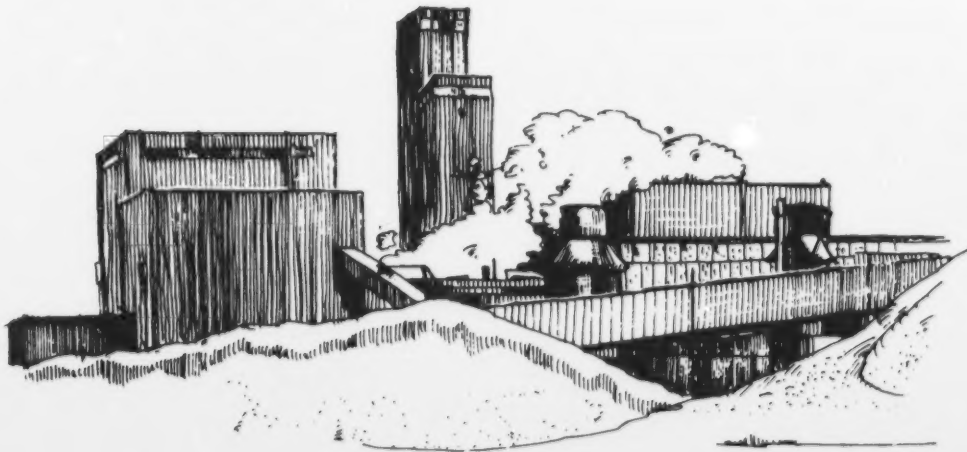
The fact remains that only businessmen and entrepreneurs encouraged by a government-created climate, are equipped to assess an area's potential. If left to do what their experience and training has equipped them to do, these are the people who can develop the enterprises and create the demand necessary for success.

For instance, the ordinary man has been brainwashed by economists to believe only experts can understand the changing value of money. Yet it is the ordinary man, wife, aged or pensioner who has come to realize that his own personal life experience proves that the so-called expert's new economics and monetary stratagems have in fact taken the real worth out of income for his labor and services, his pensions and his savings. Northerners are well aware that motherhood statements and theoretical presumptions have not produced jobs in the north and we need to recognize that the man who runs a store, builds boats runs a tourist operation, a machine shop, a furniture shop, a logging operation, a saw mill, traps for furs or does commercial fishing knows much about putting people to work successfully.

It is becoming apparent that the more successful business person and entrepreneur in the north are to be found among those who have endured the relative hardships of the northern climate and economy; have become woven into the social fabric of the community; have chosen to live in the north and who understand the local options their skills can develop. These are the people who accept northern conditions and may well be the most qualified and the most willing to make the necessary investments — for no other reason than their families are at home with the lifestyle.

Out of the core strength of a northern community's tried and experienced people will the most successful diversification develop. Creative force lies with the people. One entrepreneur is better than two led men.

The cogent saying "Far away fields are greener" is to be challenged. Those fields may well be parched!





The School - log construction



Housing



The Church under construction



Housing

CHAPTER 10

THE FUTURE: A STRATEGY FOR COMMUNITY AND SECTORAL PLANNING

Many northerners still consider that the north has become an economic colony of the south, receiving an insufficient share of the benefits of development while bearing most of the adverse impacts. They feel that they have little control over shaping their own destinies and lack power to significantly influence decisions about development made in corporate and government boardrooms elsewhere. They argue that these decisions are being made without adequate understanding of and regard for the vulnerable natural and cultural environments of the north. Native people are particularly apprehensive about the prospects of further disruptive encroachment on their traditional homelands.

Some changes for the better have taken place since the Commission began its work. The planning and public participation programs carried out by the Commission and the Ministry of Natural Resources have undoubtedly led to a heightened understanding by northerners of the issues confronting them, and this in turn may assist interest groups in negotiating and compromising, as they must, on the tradeoffs facing them. The Ministry's increasingly evident willingness to deal openly with the public on policy, planning and program matters affecting it is commendable and bodes well for the future.

As well, northern native people are becoming increasingly articulate on matters respecting their land claims, their aboriginal rights and the Constitution, and increasingly aware that reliance on programs and projects initiated, funded, and to a large degree imposed by governments is not the route to sustained growth or cultural survival.

Government departments and ministries are stepping up their efforts to coordinate their programs better and to make them more responsive to real needs. Despite such hopeful signs in recent years, the major issues of northern economic development, environmental protection and power over development decisions persist with little fundamental change. Land use planning by the Ministry of Natural Resources did not allay northerners' concerns, but instead signified the persistence of past patterns of large-scale industrial development and external decision making while providing unconvincing guarantees of improved resource management, sustained yield and environmental protection. Government agencies continue to pour millions of dollars into native communities while generating a disappointingly small amount of meaningful new economic activity and failing to reduce dependence on make-work, social assistance and welfare programs. And, all too often, native communities have failed to take advantage of good opportunities offered.

Issues of development, environmental protection, power in decision making, and planning are inextricably intertwined. My mandate and the sheer weight of the views presented to me oblige me to recommend measures that would better the circumstances of northerners and minimize adverse effects of development on their

economy, society, culture and natural environment. Greater benefits for northerners will not be gained by continuation of the development philosophies, policies, plans and programs of the past, and still in place. They will accrue solely through the acquisition and wise exercise by northerners of greater powers to influence decisions about major enterprises and even to reach their own decisions on matters of sub-regional and community importance having little significant effect on the people of Ontario as a whole.

All development decisions must be based on some conscious rationale and some body of information supporting it, and hence on some planning process that considers both ends and means. Planning is not a process carried out in a policy vacuum, but is undertaken in order to articulate policy more explicitly and to provide a sufficient basis for decisions to implement actions consistent with it. Northerners cannot intervene effectively and intelligently in policy and decision-making matters without a much greater measure of control over planning processes of their own - processes that will elucidate and give greater operational substance to their own goals, objectives, priorities, and needs. Thus, northerners' visions of the north must necessarily determine the principles and procedures of the planning that they will help to devise and in which they will be engaged. And, since the various interest groups have their own objectives, no single process can meet all their needs; more than one is required.

Northerners and others expressed strong views on the kinds of development that will be acceptable and unacceptable in the north. While the views of the various northern interest groups were often different and sometimes incompatible, taken together they demonstrated a high degree of consistency in their collective vision of the future and a commonality of purpose that augurs well for the cooperation and compromise that must now take place. To produce a development plan for the north is obviously beyond my mandate and would, in any event, be presumptuous, given my position favoring greater power for northerners in determining their own future.

Instead, I have chosen to provide a synthesis of what I have learned in the form of a planning strategy for northern development and environmental protection. This strategy outlines a policy for development together with a set of planning principles, objectives, procedures and actions for implementation that seem to flow logically from it.

In advocating a stronger role for northerners in these matters, I am conscious of my obligation to make recommendations consistent with the good of all the people of Ontario. For decisions respecting major enterprises, governments bear ultimate responsibility. But the public can expect governments to exercise this responsibility by taking into consideration the fullest possible array of relevant factors and viewpoints and acknowledging an obligation to be accountable to the public about how and why particular decisions are reached. On their part, northerners must learn to contribute stronger, less equivocal, and better substantiated arguments for their own priorities if they are to

gain greater power in influencing decision making at the highest political levels.

CONCEPTS AND PLANNING APPROACHES

The terms decision making, planning, and research occur throughout this part of the report. Because they are often confused, they need to be operationally defined.

Decision making, in the context of the Commission's work, is essentially the act of making a decision about development or environmental protection by an agency, community, group, or individual empowered or delegated the authority to do so. Decisions should be, but not always are, the culmination of a planning process, and they are often tempered as well by politicians' perceptions of reality and other considerations outside the planners' purview.

Planning is a process for defining goals and objectives and deriving strategies for action consistent with them; important decisions on development ought not to be made outside the scope of a planning process. Ideally, planning should be a rational, technical and fully participatory process whereby a government, agency, community or interest group systematically sets its own goals and objectives, defines its own priorities, evaluates and specifies actions to be taken, and determines a time-frame and the financial and administrative resources necessary for implementing them. All groups and individuals having a stake in the outcome of a planning process should be accorded opportunities to participate fully and prospectively at all stages in the process, to influence its course and outcome, and to evaluate final proposals prior to decisions on them. And, moreover, they are entitled to an explicit accounting of how the decisions were ultimately made.

Research involves special study to illuminate inadequately understood factors that need to be considered in planning. It may contribute to planning and is commonly a component of planning, but it does not constitute planning *per se*.

Planning as practised in the north exhibits several variants, differing in the extent to which these ideal attributes as described above are incorporated in the geographic focus of the planning and in comprehensiveness. Land use planning by the Ministry of Natural Resources, for example, was a formal, clearly articulated process that genuinely sought to attain the ideal, though it fell short in many ways. But other satisfactory conceptual models exist too, based on planning procedures compatible with the ideal. Submissions by native people informed me of their traditional process of consensus-building, in which all members of a band or community contribute their experiences and views until a common base of information is shared by all, a common understanding is reached about goals, objectives, priorities and needs, and unity is attained on what courses of action to take. I was informed that this process cannot be rushed and is not amenable to demands for a quick response to external initiatives. In this process, the roles of government agencies become essentially those of providing funds and information,

advising on methodology, and facilitating implementation of feasible and sensible proposals emanating from consensus when asked to do so. And the roles of the outside "expert" are to provide input of advice on request and to contribute to the consensus-building on as sustained a basis as the community wishes.

Consensus-building north of 50, which I strongly support as a precondition for later stages of planning, is a process focusing primarily on the community and then on the community's relationships with its hinterland and the outside world. It is a "bottom-up" process, unlike the land use planning which, while striving to accommodate local views, was imposed on the north following principles, procedures and objectives developed outside the north. Land use planning was a "top-down" process looking into the region and its communities from the outside. Moreover, I consider that consensus-building is a planning and decision model that could be productively emulated across the north for negotiating and compromising on tradeoff issues between interest groups. The challenge in this case is to devise structures and forums that will enable the transactions to take place.

In too many instances, government agencies have decided to initiate or support development projects, enterprises and the provision of infrastructure and social services in native and other northern communities on the basis of nothing more than narrow viability analysis — substantiated by little or no examination of the likely consequences of what is being delivered for the community or its compatibility with the community's goals, priorities and needs. Analysis of this type is a necessary part of a planning process but, isolated from other components of the process, can scarcely be considered planning. And, even worse, some programs are delivered without substantiation by any discernible planning activity.

Planning approaches can be classified in terms of geographic focus (province, region, community) and function (comprehensive, sectoral). These geographic and functional classes can be combined, so that one can speak of, for example, comprehensive community planning or sectoral regional planning. And the sectoral planning class can be further broken down into such sub-classes as social planning, economic planning, and environmental planning or, in yet another way, into such sub-classes as land use planning, resource management planning, tourism planning, and access road planning. Still further subdivisions can be made in seemingly almost infinite variety (tourism marketing planning, for example). Moreover, totally different taxonomic methods could have been used to classify planning approaches.

Comprehensive planning spans and attempts to integrate the entire spectrum of economic, social, cultural, natural environmental, financial, and administrative concerns relevant to decisions about development and environmental protection. It calls for identification and evaluation of alternative scenarios of development and protection and their likely effects as a prelude to determining the most appropriate one, and then sets out

the strategies, programs, and projects necessary to implement the one selected.

The Design for Development program of the 1970's was the Ontario Government's massive initiative in the field of comprehensive planning for the province. The planning was instigated and coordinated by the then Ministry of Treasury, Economics and Intergovernmental Affairs and was carried out by task forces and committees of experienced planners from ministries representing the span of the government's economic, social and natural environmental responsibilities. Its intent was to devise and propose to the Government a set of integrated policies, goals, objectives and strategies for implementation that would enable the Government to chart and influence the future development of Ontario and its main regions, including the north.

The program acquired considerable momentum, but was never brought to a conclusion and withered after the mid-1970's for a variety of reasons. As the planning evolved and its prescriptions became increasingly explicit, politicians began to sense that it could lock them into long-term commitments that they were unwilling to make and that it might raise public expectations that they could not fulfil.

Design for Development was a classic example of comprehensive government-executed, "top-down" planning that was articulating strategies for the regions themselves. And, while it did specify strategies for the north, it had scarcely anything to say about the half of the province north of 50. The provincial Government is unlikely to embark again on such an ambitious planning venture for either Ontario or any of its main regions. And even if it did, provincial planning could not take the place of comprehensive community planning and sectoral planning undertaken by northerners themselves towards promoting their own priorities for development and environmental protection. Instead, the Government ought to actively support planning by northern communities and groups.

The federal Government's sponsorship of community planning by native people across Ontario represents the only other significant attempt by governments to promote comprehensive planning affecting the north. While this initiative embodies some attractive planning principles, problems have arisen in its implementation and it has encountered some resistance.

Sectoral planning is undertaken by individual government agencies and by sectoral interest groups. Several agencies of the Ontario Government have carried out sectoral planning studies for large regions in the north. Like Design for Development, these too represent "top-down" planning. Sectoral planning by governments focuses on specific elements of their overall responsibilities, often considering these elements in the context of those of other agencies. Sectoral planning obviously entails sacrifice of comprehensiveness.

The Ministry of Natural Resources' land use planning remains the single most impressive effort by an agency at either senior level of government to undertake sectoral planning at large

regional scales in Ontario. The Ministry sought to broaden the scope of its planning by integrating its interests with those of other public and private bodies having a stake in the disposition and management of Crown lands. But it was not mandated to either plan comprehensively or present an authentically northern perspective on development, and ultimately it did not do so. The main thrust of the land use planning has now become exhausted. Any attempt to revive it or make it more comprehensive and more responsive to northern needs would be doomed to fail.

Other regional-scale sectoral planning has been carried out in the north: Ontario Hydro's studies of northern rivers, for example, and several studies of the tourism industry, most of them outdated and pertaining mainly to the southern part of northern Ontario.

In exercising their responsibilities, federal, provincial and municipal government agencies conduct sectoral planning for smaller areas and individual communities. Some of these planning activities have focused on natural resources (lake management and forest management planning by the Ministry of Natural Resources, for example), others on infrastructure and other community matters, and still others on particular aspects of social development and economic development.

Most government agencies carry out sectoral planning primarily in order to improve the discharge of their responsibilities to their clients across the province in contributing to the well-being of the province's population as a whole, and only secondarily, when at all, to meet the needs of regional or other special interest groups. This emphasis is as it should be; only governments have the obligation, the sufficiently broad perspective, and the appropriate expertise to balance these needs. But governments can balance them more equitably if regional and special interest groups become better equipped to articulate and substantiate their own needs. Northerners must engage in their own sectoral planning in order to determine and then advance their own priorities. Governments should contribute to this task by encouraging it, by conducting research, and by providing information, expertise, and catalytic funding. But any attempt by governments to do sectoral planning on behalf of northerners - something that only northerners can do for themselves - is sure to fall on barren ground.

PARTICIPATION BY NATIVE COMMUNITIES IN PLANNING AND DECISION MAKING FOR DEVELOPMENT

Responses to the Land Use Planning

Both the Ministry of Natural Resources and the Commission recognized the crucial contribution that effective participation by native people could make in development-related planning and decision making, and both exerted themselves to secure it. Valuable practical insights for the future can be gained by summarizing the two agencies' experiences and the lessons learned. In comparing and contrasting these experiences, the Commission must point out that the differences reflect mainly the different

objectives of the two agencies. Ultimately, the Ministry's job was to prepare plans that articulated and specified its policies and principles at the regional and district levels in support of its mandate. The Commission was not fettered in this way. Indeed, it recognized that its mandate was not to produce a plan but to make recommendations about alternative forms of development that could benefit northerners, particularly native northerners, and others in Ontario as well.

The Ministry was unable to attain a sustained, productive interface with native people, and its land use planning suffered greatly because it could not elicit a strong, positive, and prospective statement of the native peoples' own priorities. What it did manage to obtain from them was a diffuse, general, negative, and not very helpful reaction to both the planning process and the too-rapidly jelling substance of the plans. The Ministry tried very hard to secure the participation of native people, as it had been able to do in the case of other interest groups, so as to obtain a clearer understanding of how their interests could be better accommodated in the plans without compromising seriously its other objectives. While the Ministry would have undoubtedly taken into account the strong, positive, and constructive statements of native priorities that it did not get, it did not consider itself obliged, fitted, or welcome to do more than solicit input. The Ministry's active support of planning and consensus-building in the native communities would have been costly and time consuming and, moreover, would have facilitated expression of views that could only give it trouble.

The Ministry could discharge its objectives, albeit much less than satisfactorily, without central native participation. The Commission could not; indeed the Commission would not have been in the least successful had it not been able to secure a sufficient native contribution to its own work. Accordingly, I was obliged, in the face of discouraging and time-consuming setbacks, to make establishment of an effective working relationship with native people a central focus of my entire program. I consider these efforts to have been justified by the outcome although, in the end, they were not as successful as I had hoped they would be.

Native organizations, communities, and individuals explained to me why they refused to take part in the Ministry of Natural Resources' land use planning, or were reticent to do so on an intensive or protracted basis. The Treaty organizations and some other native agencies regarded settlement of land claim, aboriginal rights, and constitutional issues as preconditions for their involvement, arguing that they would be compromising their stance on these issues by acknowledging the Ministry's jurisdiction over Crown lands and its rights to plan for their use and to manage them. Several native submitters pointed out that the Ministry's public participation procedures, based as they mainly were on written documentation and calling as they did for rapid assimilation of information and quick response times, were incompatible with traditional native ways of oral communication, careful consideration, and consensus-building. Many found the information that the Ministry sent them too technical, while others noted that they were not even made aware of the planning

until too late a stage in the process. In some instances, it appears that information sent to the band office was simply stock-piled and never distributed throughout the community.

Other considerations presumably added to the reluctance of native agencies to take part in the planning. Some took issue with the accuracy of the Ministry's data, suggesting that it was often not in accord with their own experience, as the people most intimately familiar with the natural environment and its use, and even that it was contrived to serve the ends of southern development interests. The Ministry introduced into its participation process a sophisticated, "scientific" and quantified data base that native people, whatever their reservations about its accuracy, apparently felt ill-equipped to counter. Native agencies have recognized that they must acquire more convincing bodies of quantitative and qualitative information of their own if they are to further their claims and work as partners with others in planning. And, as they point out, the Ministry was able to draw on seemingly limitless funds for its inventorial and planning work, while they have had to plead for money to carry out their own studies of traditional patterns of land use and occupancy and their own documentation of the crucial importance of living off the land to their identity and survival. Moreover, funding was not made available to potential native intervenors to cover the high transportation and other costs that they would have to bear if they were to participate effectively. In the face of these obstacles, their progress has been remarkable.

In carrying out their work, the Ministry of Natural Resources' planners had strong financial support, the necessary technical expertise, and clear instructions to plan. But, above all, they had the momentum of a firm mandate when it came to public participation. While the plan documents did not always present a clear, spatially explicit statement of what was being considered, the whole planning effort seemed to be moving in a pre-ordained direction, driven by goals, objectives, and targets determined mainly elsewhere. While the directly affected parties and others were given or, in the case of native people at least offered, ample opportunities to contribute their views about development and about the planning and to contest proposals perceived to be not in their best interests, the Ministry's momentum and its final rapid drive to wind up the planning placed all participants in essentially a defensive and reactive position. I can sympathize with the reluctance of many native groups to become involved at all.

The Commission learned of many issues which the Ministry seemed willing to debate only because it was willing to make concessions on them. Tourist outfitters, for example, became engaged in discussions with the Ministry about the width of forest buffer zones to be left around lakes with outpost camps and about whether these zones should be "managed" or simply left alone. Trappers argued with the Ministry over timber harvesting methods that would impact least on their trapping, while advancing no strong case that timber should not be harvested in some areas at all. The debate scarcely touched on still other major issues. Can, for example, an authentic wilderness experience for a

specialized or elite tourist clientele be provided in a "manicured" wilderness landscape in which the prospect from the shore is one of untouched forest, while the flight in to the outpost camp is over clear-cut forest and the day's solitude is broken by the not-so-distant buzz of chain-saws? It is not my intent to adjudicate these issues; I am simply pointing out they were seldom clearly raised, let alone debated. Most participants in the planning felt placed on the defensive. While they knew that they had to respond to the evolving substance of the plans according to how they perceived that it would affect them directly, they seldom came forward with strong positive statements of their own priorities. My recommendations on planning are intended to ensure that native and other northerners are placed in a position to do so, without having to react to proposals of others far more powerful than they.

The Commission's Experience

The Commission's own experience in attempting to work with native people yields lessons for the future. The Commission experimented with five different kinds of participation models and forums. First, it made efforts to publicize the role of the inquiry and to transmit the results of its own work and other information to the communities in order to elicit constructive response and positive input from them, and it produced newsletters and took on a staff of information officers to do so. This particular participation was not as effective as it could have been had the Commission been able to better synchronise its research and public participation programs during the middle stages of the inquiry. A second model called for collaborative research projects to be undertaken by the Commission and native agencies; this approach was implemented, with some degree of success, with the Kayahna Tribal Area Council. A third model, a particularly productive one in my view, was the Commission's support and sponsorship of an independent impact study at Fort Hope. In the fourth model, I sought to secure participation by native people through their submissions under my public funding program and at hearings held in their communities and elsewhere; their response was crucially valuable to me. The fifth model entailed the circulation of research reports by my staff and consultants.

The Commission strove to stimulate the participation of northern native people at all levels. I regret that I could not forge a productive working relationship with Grand Council Treaty #9, although I tried to do so in several ways. I felt disinclined to debate issues pertaining to land claims, aboriginal rights, and the Constitution, for to do so would have surely compelled me to step beyond my mandate and would, in any event, have been counter-productive to its discharge. While I acknowledge these to be vitally important issues, I concluded that they are ones more appropriately addressed in other forums.

I met with somewhat greater success in my efforts to work constructively with at least some of the tribal area councils, whose activities include both political representation of groupings of communities and socio-economic development within

them. In the case of the Kayahna Area Tribal Council, representing a group of Indian communities centred around Big Trout Lake, the Commission agreed, after some strong initial reservations, to support native-executed land use and occupancy studies by contributing funds, supplying needed expertise, and making provision for cartographic services. The communities' work culminated in an impressive published report and atlas: The Kayahna Region Land Use and Occupancy Study.

In order to complement the Kayahna research, the Commission carried out a comparative study of cash income sources in the Kayahna communities and non-native communities in the Sioux Lookout district. I had intended the whole joint project to be fully collaborative; I wanted it to develop a common body of information that the two parties could draw on in order to reach shared as well as independent conclusions. Unfortunately, while some interaction took place, the hoped-for close fusion of the two components never happened because contact between them was too sporadic. Collaborative research may have a future as a useful forum for planning and participation, but the work must be integrated on a continuing, sustained basis if it is to be fully productive.

Throughout my inquiry, I found my efforts to stimulate contributions from native people to be particularly fruitful and most cordially received through my contacts with them at the community level, where interaction could take place largely unencumbered by political rhetoric. That the native communities wanted to bring their concerns and proposals before me is manifest by the large number of submissions that they made through my public interest subsidy program and at my informal hearings and meetings. Collectively, these submissions constitute a powerful statement of native peoples' aspirations and priorities that has guided me in drawing my conclusions and framing my recommendations.

Some Accomplishments

Submissions to the Commission dispelled any notion that native people are incapable of setting their own goals, objectives, and priorities or actually undertaking projects that generate jobs, income, and other lasting benefits. To the contrary, northern native people demonstrated to me that they are often better equipped than any outsider, however well-intentioned and "expert", to assess community strengths and weaknesses, identify communities' own realistic solutions to problems, and embark on courses of action that contribute to their self-reliance, cohesiveness, and cultural identity. Heartening examples can be cited to show that native people are capable of taking constructive steps to confront what must often have seemed to be a set of hopelessly unresolvable problems. I can touch on only a few of the most outstanding ones in this report.

Kingfisher Lake Socio-Economic Development Corporation

The experience of the Kingfisher Lake Band and its development corporation provided me with tangible evidence of the

lasting and widely-dispersed benefits and self-reliance that a native community can gain through involving its members in deliberate, cautious, comprehensive and sustained planning to determine its own independent course of action. The community made a realistic appraisal of its own circumstances and the development options open to it. It concluded that continuing reliance on government programs and on outside sources for most goods would not provide enduring solutions to the problems confronting it. While it recognized the need to rely on the resource base for subsistence and economic development, it also realized that it had to seek long-term alternatives to trapping, hunting, and fishing, pursuits that could not continue to support a growing population and that, in any event, depended on traditional skills that were vanishing. It resolved to identify and take up opportunities to establish band-owned, non-profit businesses and services that would be self-supporting, create employment, and endow self-reliance and community pride.

The Kingfisher Lake Band determined its first priority to be the containment of economic leakage from the community. In 1980, it established, as the crucial first step, the Kingfisher Lake Socio-Economic Development Corporation, a non-profit organization having potential to increase the community's control over its own affairs. The corporation's first task was to buy out the Hudson's Bay Company store, which was known to be capturing some 82 per cent of the money flowing into the community through economic activities and transfer payments and transmitting most of it to the outside.

The store's operation could not completely stop the flow of money to the outside, for it still depended on imported goods. But the surpluses were sufficient to create an independent fund of capital, to which no strings were attached, for investment in other projects that the community wanted: a laundromat to free women from the arduous tasks of fetching water and fuelwood, heating the water, and washing and drying by hand; a mechanics and repair shop where equipment and skills are shared; a coffee shop operated by the band in consultation with the corporation. The corporation is considering and investigating further initiatives: a new store, to be built from surpluses generated by the store sales and using locally obtained construction materials wherever possible; a community gardening and greenhouse project; small-scale alternative energy systems. The corporation also sometimes supports recreational and other activities in the community.

While the corporation has received catalytic grants and loans from government to get its enterprises started, these enterprises appear now to be able to sustain themselves on their own. The corporation operates primarily with funds from store sales, the local purchase and subsequent resale of furs, and interest on term deposits, and all surpluses from the various community projects go to the corporation.

The corporation's structure and mandate encourage participatory decision making and sharing of responsibility through consensus. The corporation is accountable for all its activities to the membership, which comprises the whole community, and its

Board of Directors is composed of representatives of the community's families.

Several ingredients came together to contribute to the success of the Kingfisher Lake Socio-Economic Development Corporation: the corporation's non-profit nature and its ability to generate an independent, community-controlled fund of capital and reinvest surpluses in community projects; the commitment of the corporation to work with the community's leaders and members in planning and implementing projects consistent with community priorities and to be accountable to the whole community; the corporation's conduct of its affairs in a business-like way, maintaining a distance from federal government agencies and also from band administrative control and native politics while working closely with the Chief and Council; the representation on the corporation's Board of the traditional family structure of the community; and recognition by the corporation of the importance to the community of such non-monetary values as good working conditions, a sense of ownership and participation, and cultural identity.

Gull Bay: Kiashke River Native
Development Incorporated

The success of Kiashke River Native Development Incorporated of the Gull Bay Band on Lake Nipigon further reinforced my conviction that locally-based development corporations can be an exceedingly productive vehicle for the implementation of projects that enhance income and self-reliance in northern native communities. This corporation's story is worth recounting, for it, too, shows what can be accomplished through the sustained efforts of capable and dedicated community leaders bolstered by constructive support from government agencies and other outsiders at key stages when it is needed but without excessive interference by these agencies or band politicians. The Gull Bay band's successes arose from its leaders' resolve, dating back to the early 1970's, that Gull Bay should become a forest-based economic community through participation in a timber-harvesting enterprise tied to industrial markets and through maintenance of the natural environment for trapping, hunting, fishing, and wilderness tourism. These leaders followed the kind of deliberate, cautious, learn-as-you-go approach to the problems confronting them that was evident at Kingfisher Lake.

By the end of 1983, after nine years of existence, the Kiashke corporation's operations were employing 40 pieceworkers as loggers, cone pickers, tree planters, and haul crew. Total wages over the period 1974 to 1982 amounted to about \$4-million. The corporation has performed as a good citizen of Gull Bay by providing support for a variety of community projects.

Kiashke Native Development Incorporated was created and became able to contribute to the well-being of Gull Bay because of the confluence of a number of favorable circumstances and ingredients: strong local leadership and initiative; determination on the part of the leaders to make maximum use of community skills, to conduct the forest operations as a business and not a

band venture, and to seek outside advice and training when necessary; access to a sufficiently productive resource base and to markets; and cooperative attitudes and actions on the part of governments and industry as regards advice, on-the-job training, start-up funding, and markets.

CES Strategy at Big Trout Lake

Still another experience worth recounting for the useful insights that it reveals about how government agencies can both assist and retard community socio-economic development is that of the Big Trout Lake Band with the Community Employment Strategy over the period 1976 to early 1980. The CES was a joint federal-provincial initiative spearheaded by the Canada Employment and Immigration Commission and the Ontario Ministry of Labour. Its primary thrust was to coordinate development activities within each of several selected native communities, in partnership with their members, in order to alleviate worsening crises of unemployment, underemployment, and welfare dependency. The program's key operating principles were that the communities themselves would identify problems and propose solutions that could be attained through more effective use of existing federal and provincial government programs. And the basic strategy that it developed for Big Trout Lake was facilitation of community planning to find short-term solutions to unemployment while establishing a basis for longer-term planning.

Early studies under the program led to recommendations for 14 projects in the areas of training, job- and education-related information, and specific proposals for evaluation. Tangible benefits arose from the concentrated efforts to improve coordination and eliminate blocks to implementation: a causeway linking parts of the community; a winter access road to haul logs from Long Dog Lake; initiation of further research on projects appearing to offer development potential; conduct of training courses for practical skills; hiring of an outreach worker and a planning coordinator; feasibility studies of a furniture shop, a proposal to purchase a commercial aircraft, timber operations, and alternative energy generation; trapline development; and an organizational study of the band government.

While these early accomplishments of Big Trout Lake under the CES program were fairly consequential in terms of short-term job creation, skills development, and infrastructure improvement, long-term benefits could be attained only by on-going coordination of training, job creation, and agency support, by better access to existing permanent employment opportunities, and by the establishment of new viable enterprises owned and operated by Indians. CES was wound up in 1980 because of "budgetary constraints". An evaluation of the program, as presented in a submission to me remarked that *"The establishment of a permanent co-ordinating mechanism under local control and with stable and adequate funding is necessary if the kind of momentum achieved during the CES is to be regained, and sustained to the point where long-term solutions are found."*

The start-up of a still-successful, community-owned furniture shop - providing jobs, meeting local needs, and supplying outside markets - was a major accomplishment of CES at Big Trout Lake. The community had been interested in this project as early as 1974. A shop building was completed two years later with funds from the Opportunities for Youth Program. A feasibility study conducted by outside consultants under the aegis of CES and with funding by the Local Employment Assistance Program (LEAP) foresaw an optimistic future for the enterprise while inadequately identifying major obstacles that were eventually encountered during implementation: insufficient attention to local wood supplies, which have proved to be deficient; over-estimation of community demands for furniture and cabinets; failure to identify the potential long-term strengths of the institutional and off-reserve markets and the shorter-term impediments to entering them; inadequate provision for the local production of good-quality dried lumber; and insufficient provision for phasing-in supporting infrastructure, like electric power, prior to the commencement of operations.

Other obstacles were encountered that might not have been so readily foreseen: difficulty in finding a suitable manager/trainer; problems with devising furniture designs appropriate to both local skills and markets; the desire of other bands to engage competitively in a similar enterprise; and, according to one submission, reluctance of the Department of Indian Affairs and Northern Development to be a more active institutional customer for a development initiative in which it had no financial commitment or direct control.

The furniture enterprise has survived these formidable obstacles and seems established as an asset to Big Trout Lake. The community's dedication to the enterprise and its persistent resolve to make it work provides a heartening example of what can be done in isolated northern native communities.

Summer Beaver's Land Use Plan

I was particularly impressed by the pride and enthusiasm displayed by leaders of Summer Beaver when they presented to me their community's well-thought-out preliminary land use plan for the settlement itself and its hinterland. Continuation of this commendable initial work merits support, as does the planning now taking place in several other communities.

Impact Study and Research at Fort Hope

The Fort Hope community's response to my sponsoring of its impact study and research was a high point of my tenure as Commissioner. Fort Hopians presented the results of their work in a commendable report - The Ogoki Road: An Avenue of Worry - and at a public hearing there in which virtually the entire community participated. I remain greatly impressed by the breadth, depth, and insightfulness of the study and by the logic and innovativeness of its findings, and also deeply moved by the commitment, enthusiasm, and unity of purpose demonstrated by the community's members, almost all of whom had taken part in it. The products of Fort Hope's efforts provide tangible evidence of what a community

can accomplish through consensus when left alone to follow its own independent course.

The impact study was coordinated by two principal researchers, one a resident of Fort Hope and the other an experienced outside professional who proved acceptable to the community and was willing and able to contribute to consensus-building over an extended period of time. The researchers, in effect, participated in the community, rather than the community in the research. The roles of the Commission in the project were essentially those of providing administrative support and funding, subject of course to reasonable financial accountability.

The impetus for the Fort Hope study was apprehension in the community about the problems and challenges that it would have to confront if it became linked to the outside by the Ogoki road. The Ogoki road was being constructed northwestwards from Nakina to give Kimberly-Clark of Canada Limited access to mature timber in that part of its limits near the Albany River while relieving harvesting pressures on its southern limits. The community had to decide whether or not it wanted a road link to the access road.

The results of a comprehensive and detailed questionnaire administered to residents proved to be the main key for stimulating dialogue, interest, discussion, and consensus-building within the community. This was complemented by other work, notably archival research and the establishment of harmonious relations with Kimberly-Clark officials. The outcome was a more realistic understanding by community members of their circumstances and the historical events and cultural factors that had led to them and a clearer consensus about what they now must do to take fuller advantage of their limited opportunities while coming to grips with discouraging economic problems and a disintegrating society and culture.

The results of the questionnaire substantiated the litany of seemingly intractable problems confronting the community: the devastating impacts of decisions made outside to settle a nomadic people in ill-planned permanent communities; the erosion of traditional skills and the cultural heritage through educational policies tied to payment of family allowances; the increasing ascendancy of a disoriented subculture of younger people ("Whindians") who are highly dependent on welfare and lack both traditional skills and the ability to compete outside, who are losing touch with the elders' wisdom and knowledge of Indian culture, and who are becoming the political advocates of Indian ways that they never experienced; the inability of the natural environment to sustain the growing population; the limited job opportunities in the community, coupled with a demoralizing dependence on transfer payments and welfare and on high-cost goods from the outside.

Residents of Fort Hope did not claim that their plight went unrecognized. To the contrary, they found themselves victims of governments' paternalism and inability to gear assistance to community realities and aspirations. The study report states their views on this matter more convincingly and vividly than I

ever could myself: ".... the 1960's and 70's were an era of expanded funding to native communities and all sorts of programs which brought education missionaries, economic missionaries, social missionaries, political missionaries, community 'development' missionaries - missionaries of every variety, but missionaries nonetheless. All the programs were designed to re-form and upgrade the Indian, to re-make and re-model him in the image of the whiteman. It is true that Fort Hopians weren't coping too well with the second-rate version of the 20th Century that had been foisted upon them - but it was not due to any defect in the people or their traditional culture. It was due to the defects in the policies and programs - the main one being their lack of coordination and any well-defined explicit overall purpose. Thus the new policies and programs of the 60's and 70's just made matters worse."

The report later continues on with the indictment in a similar vein: "Throughout the 1960's, native communities in Northern Ontario were bombarded with courses, programs, projects and studies from government agencies such as ARDA, Youth and Recreation Branch and the CYC. All of which made little noticeable difference in people or their communities and some of which were patently absurd. In the 1970's, the emphasis shifted to 'hard core development' - Economic Development Officers and their missionaries from DIAND and other federal government agencies took over. On the basis of the 1980 and '81 employment figures, their programs, projects, courses and studies must be judged as unsuccessful since they failed to produce the job[s] so badly needed to survive programs were devised based on the community's 'needs' (i.e., lacks) as perceived by white, middle class outsiders without a thorough analysis of the realities involved, there could never be any clearly defined overall purpose and coordination of the programs the control and decision-making was in the hands of those through whom the funds came"

The Royal Commission on the Northern Environment sponsored the program of planning and research at Fort Hope for three and a half years. This period was sufficiently long to enable Fort Hopians to make a useful start and substantial progress towards reaching a consensus on their priorities and on realistic courses of action consistent with them. The community needs and merits continuing support for its own long-term planning efforts. Many of the projects and actions that its members tentatively identified require further "mulling over", fleshing out, and feasibility testing. As the research report acknowledges, in setting out its internal recommendations pertaining to the community: "It was the task of the Study to arrive at recommendations based on the data gathered about Fort Hope and the Ogoki Road. It is beyond the scope of the study to provide detailed plans or ways in which to carry out specific recommendations. That is the task of Council, the Community, future studies and future programs. The authors caution that any attempt to implement the recommendations instantly and/or all at once without exhaustive discussion within the community and without a carefully planned and integrated approach, will doom

them to failure, worsen existing problems in the community and create absolute chaos."

The study's findings, along with the recommendations made to the Commission at the Fort Hope hearings, lead the Commission to conclude that a strategy consisting of a set of five interdependent components must be devised and implemented for the community's survival and development. This conclusion is further reinforced by The People of North of 50°: In Quest of Understanding, a report prepared at the Commission's request by the two principal researchers on the Fort Hope project as a synthesis of their knowledge gained there and elsewhere in the north. The strategy has obvious application to other native communities in the north.

The first component, the prerequisite for the success of the other four, calls for mobilizing the community's cultural heritage, social strengths, and skills so as to bring about community cohesion and self-reliance and make the community a better place in which to live. The objective here is to maintain what is best of Indian values, while gaining greater familiarity with the white man's ways and taking what is best from them. And a key to achieving it is to harness the wisdom of the "traditional" elders and the skills of the "transitional" group in coping in both worlds, before it is too late. The study, based as it was on consensus-building, has already demonstrated that it can serve as a powerful tool for addressing this formidable task; it has identified for further consideration an array of specific actions for doing so. Yet, while the study has helped the community's members to reach a clearer understanding of the things that they themselves, and not others, must do, their planning must continue on.

The second component calls for import substitution, the production of goods and the provision of services locally to replace high cost alternatives now imported from the outside. According to the study, Fort Hopians spent more than \$1.5-million annually for supplies and goods at the co-op store alone, an amount equivalent to almost \$6 per person every day of the year. While local control of the co-op store has generated some surplus money for circulation in the community, the store remains a major source of economic leakage to the outside. But an increase in commercial fishing to meet community needs and the production locally of livestock can replace costly imported meat, and a local market garden operation would displace imported vegetables that are generally low in quality. The subsidized housing provided by the Department of Indian Affairs and Northern Development is unsuited to the northern Ontario environment and the needs of its native communities; the funds available for housing could be more productively applied to support a local industry producing logs and other materials for dwellings and buildings of local design. And, as well, there may be scope for other small community-serving enterprises like the repair shop and laundromat at Kingfisher Lake.

The third component focuses on the production of goods for export to the outside and the sale of goods and services to outsiders coming into the community. The Fort Hope study advo-

cates that such enterprises be based on feasibility considerations and be pursued on a business footing with no control by the band administration. The study identified handicraft production as one activity meriting further investigation. The sale of timber produced on local timber limits to outside mills has been successful at Gull Bay and may become feasible here too if the road arrives. The community sees opportunities for expansion in tourism; it would like to become involved in "world class tourism" of a kind that doesn't exploit the environment and it urges the government to investigate the market for this type of tourist experience. The completion of the Ogoki road would bring recreational cottagers into the area, providing a new market for construction and services. The establishment of the proposed Albany River waterway park, which the community favors provided that traditional uses are allowed to continue in it, may provide Fort Hopians with further opportunities to serve tourists. Other prospects for enterprises engaged in manufacturing for export as well as domestic consumption doubtless exist; the furniture shop at Big Trout Lake is one example that might be relevant to Fort Hope.

The fourth component calls for the creation of opportunities for Fort Hopians to work in the "outside" economy, particularly in its natural resource-based segment, as well as for continuing access to hinterland resources for traditional uses. The study outlines some of the specific opportunities, among them the following: working in the woods operations on the northern part of the Kimberly-Clark limits; employment in resource management and environmental protection, whereby local people could take jobs in tree planting and other forest regeneration activities, in fire fighting, and as conservation, park, and enforcement officers; work at the fire control centre that they propose the Ministry of Natural Resources establish in Fort Hope; and employment in mining, should development of promising deposits near the community take place.

The fifth component of the strategy calls for action by governments, working in concert with the community, to create the external prerequisites for ensuring that development is beneficial to the community. The recommendations of the Commission lend strong support to many of the proposals stated or implied in the study report and at the Fort Hope hearing.

Fort Hopians ask for recognition of their community's effective zone of influence, the hinterland on which they still rely for its contribution to their survival. They require priority rights of access for use and development of natural resources within this territory, and they want their traplines exempted from quotas. They expect to be consulted and be partners in decision making on proposals by others affecting the hinterland and the community. They want jobs in the new projects and a share of the revenues generated by industrial operations. They advocate application of the Environmental Assessment Act, 1975 to all proposed undertakings, and want to take part in monitoring their effects.

Fort Hopians recommend that the Ministry of Natural Resources' West Patricia and district land use guidelines not be

implemented until the necessary further investigations are made on such matters as environmental carrying capacities, timber harvesting methods, and regeneration. They want participation in such investigations and opportunities to evaluate their results. And they want to be in a position to contribute their own perspectives and information to land use planning and decision making.

The community's members support the Government's proposal to create the Albany River waterway park, which they see as a means for preserving that area's sacred and historic significance. They want jobs in the opening-up and operation of the park, and they insist that the park regulations allow for the continuation of traditional uses within it.

Fort Hopians are dismayed by the proliferation of ministries, departments, and program branches with which they must interact. They argue, justifiably, that this confusing situation impedes communication and coordination and detracts from effectiveness, and they recommend that all Ontario government agencies deal directly with the native communities through a single agency to be situated in the north.

The strategy and its components clearly cannot be successfully implemented unless native people can acquire higher skill and educational levels than they now possess. The Fort Hope study has much to say about community members' needs for sustained, on-the-job training related to management and other employment opportunities that exist or can realistically be created. On the other hand, it expresses disdain for the short-lived, patchwork, and crisis-responsive make-work and training programs that the community has suffered from all too often. Sufficient funds and the best expertise obtainable are desperately needed by native people to support their participation in the future development of Ontario north of 50.

Of no less importance to the successful implementation of the strategy's components is the commitment by governments to give continuing encouragement to northern native peoples' desires and initiatives for conducting their own long-range planning and for participating in decision making on matters that vitally concern their lives. On the part of sponsoring agencies, the nurturing of community-based planning requires: funding, with no strings attached apart from accountability; patience and understanding; the making available of expert advice; and a willingness to work as partners in the gathering of information and in the planning itself when that is called for. What clearly is not required is a planning process and timetable imposed from the outside.

A RECOMMENDED INTEGRATED PLANNING STRATEGY FOR THE FUTURE

Policy Goals and Principles

The Government of Ontario has no articulated policy for the development of the north. While individual ministries, such as Natural Resources, may have policy guidelines that are reflected in their activities in the north, the Government as a whole

seems to have no conception of what sort of future it wishes to see for the northern half of the province, still less how it is to be achieved. Even in the days of the "province-wide" and supposedly comprehensive Design for Development, a decade or more ago, the half of the province north of 50° was virtually ignored in the setting of goals, objectives, and programs. Perhaps the only significant change in this respect was the creation of the Commission itself, which at least seemed to imply a recognition that policy guidelines of some sort were needed as an alternative to viewing and treating the north as little more than a storehouse of riches to be tapped for the benefit of the south. The government as a whole has never explicitly acknowledged that it regards the north as also a homeland with the potential for, and the right to, a future as something more than just an economic hinterland.

Genuine and meaningful change in approaches and programs on the part of the Government of Ontario demands clear policy direction: an explicit definition of just what it is that the Government ultimately seeks to achieve and a touchstone against which performance can be gauged. I am compelled to conclude, from the evidence presented to me, that northerners must be accorded greater control over both development and decision making, with a view to bettering the northern environment in all its facets.

The Government of Ontario should adopt, as its main policy goal for the north, the social, cultural and economic development of northern communities and peoples to their fullest potential, towards 1) economic parity with Ontario as a whole and 2) cultural and economic self-sufficiency within the framework of the Ontario society, economy, and government, according to values, objectives and means chosen by northern communities and peoples themselves.

By adopting this goal, the Government would be, in effect, acknowledging several crucially important development principles: that development involves not just exploitation, but also growth in well-being, personal development, opportunities and choices, and self-reliance; that development is not charity or welfare but a sound investment; that development must be based more on northern models and less on southern ones; that community development (of which economic, social, and political development are but facets) must become the main future thrust; that the planning and control of community development must be in hands of the communities themselves; that governments' proper roles are to facilitate community development, not impose it, and to ensure coordinated design and delivery of their programs.

Northerners' Planning Roles

If northerners wish to gain greater control over their own destinies, they must also accept responsibility for articulating their own development goals, objectives, and priorities more clearly and explicitly than they have in the past. To respond to development and planning initiatives imposed largely from the outside, as northerners did in the case of the Ministry of Natural Resources' land use planning, is not a particularly difficult

task. Much more onerous, but also potentially much more rewarding, is northerners' task of specifying their priorities in a positive, constructive, and proactive manner. In short, northerners need to devise planning programs and processes that are tailored to their needs and that can elicit the necessary full participation of northern interest groups and individuals having a stake in northern development.

While no government agency, however well-intentioned or competently staffed, can carry out the required planning on behalf of northerners, governments can contribute strong support to it in several ways: by establishing institutional arrangements and other preconditions for planning by northerners; by providing information, funds, and expert advice; by coordinating agencies' input and response to the planning; and by undertaking complementary planning and research.

Even though the Commission placed itself in a position to hear the views of northerners, it is little better fitted than governments themselves to reach any but the broadest conclusions regarding future directions for development in Ontario north of 50. I was neither mandated nor inclined to produce plans for northern development; that is a task that northerners themselves and others affected must assume responsibility for, with the support of governments. Accordingly, my recommendations to the Government of Ontario constitute advice on specific actions that it can take to facilitate northern planning and development, without detracting from the flexibility of northerners to carry out their own planning and reach their own conclusions about development.

My recommendations to the Government of Ontario advocate a strategy that will provide each northern interest group having a direct stake in northern development with opportunities to determine and specify its own priorities through a kind of planning that is positive, constructive, and proactive. This strategy represents a major departure from the past, when interest groups were not encouraged or assisted to come forward with their own carefully formulated views about how development should take place but were instead placed in the adversarial position of having to react to planning proposals and development initiatives emanating from outside the north.

This strategy is crafted to ensure that planning by northerners themselves can proceed unfettered by assumptions that the terms and conditions of northern development are pre-ordained by others and cannot be changed. And, it is based on my conviction that northern interest groups, once armed with a clear sense of their own priorities, will be able to negotiate with considerable success on the trade-off and other issues outstanding between them. My own view, based on what I have learned, is that these issues may prove to be more tractable and amenable to resolution than many people now believe. Moreover, while I am convinced that strong pressures for northern development persist, I also realize that the spate of major new development proposals confronting northerners at the time that my Commission was established has considerably abated, so that circumstances are now

more propitious for new planning initiatives to flourish, if not for economic growth.

Components of the Strategy

Thrusts

The strategy that I am proposing has four main thrusts, which are interdependent and mutually reinforcing and must be implemented through a coordinated set of actions by governments; no single one of them will be sufficient to endow northerners with a significant measure of control over planning and decision making on development matters. In many instances, the strategy simply assembles and "packages" recommendations detailed and substantiated more fully elsewhere in this report.

The first thrust calls for actions to remove government commitments and uncertainties respecting the allocation and management of natural resources - commitments and uncertainties that would impede the ability of northerners to determine and assert their own priorities. Specifically, I am asking the Ministry of Natural Resources to publish its land use guidelines for the West Patricia area and Geraldton District and, when available, for Moosonee District, to acknowledge that its land use guidelines are merely broad statements of its intentions in the exercise of its jurisdictional role and not statements of Government policy, to clarify in collaboration with the Ministry of the Environment the relationship between its planning activities and the Environmental Assessment Act, and to rescind the Memorandum of Agreement respecting the future use of the Reed tract, as recommended in Chapter 5.

The second thrust calls for actions that would endow native communities with a greater measure of control over the development and use of natural resources in their hinterlands. As elsewhere discussed, I am asking the Government of Ontario to work with the communities towards designation of expanded reserves and community-use areas within which native people would have prior rights of access to develop and use natural resources and would be placed in a position to negotiate terms and conditions with prospective outside developers.

The third thrust, the obvious linch-pin of the whole strategy, calls on governments to actively promote planning by northern native and non-native communities and other northern interest groups, to make available information and expert advice when required and to conduct necessary research, to support viable development projects identified through the planning, and to coordinate the activities of the multitude of agencies providing infrastructure and delivering programs to communities in Ontario north of 50. I am asking the Government of Ontario to support, reinforce, and complement the comprehensive planning that is now in its inceptional stages in northern native communities and to encourage and assist tourist operators, trappers, and other interest groups to carry out their own sectoral planning.

The fourth thrust, a precondition for success in the other three, calls on governments to devise and establish a multipartite mechanism that would coordinate administration of the

Community Planning

planning overall and provide a forum for ongoing negotiation between interest groups and the resolution of issues outstanding between them.

Removal of Commitments and Uncertainties

The resource allocation and planning activities of Ontario Government ministries and the evident bias of some ministries towards economic development based on use of natural resources to meet markets outside the north signifies the perpetuation of past modes of development and decision making and hence impedes the ability of northerners to chart their own future. My recommended strategy is intended to "clear the slate" of existing natural resource commitments, real or perceived, that put northerners on the defensive.

The prescriptions for development embedded in the Ministry of Natural Resources' strategic land use plans and district land use guidelines, together with the equivocal status accorded to the latter as a basis for reaching decisions on northern development, continue to be a source of apprehension and uncertainty for northerners. Moreover, the options offered for public response in the district plan documents were all compatible with the Ministry's view of how development should take place, and hence were so narrowly ranging that they inhibited the ability of native people and some other northern interest groups to come forward with strong statements of their own priorities - priorities that would likely have been genuine alternatives to all the choices offered. Finally, the plan documents failed to evaluate the social, economic, and natural environmental consequences of their prescriptions, so that northerners were given insufficient information on which to formulate their responses. And, in all these respects, the planning was carried out with scant regard to the good planning principles embodied in the Environmental Assessment Act, 1975.

The recommendations on land use planning made in Chapter 8 of this report are intended to bring planning under the Environmental Assessment Act and to clarify the status of existing guidelines. These recommendations are focused primarily on the planning for the West Patricia area and Moosonee and Geraldton districts, which together include most of Ontario north of 50.

I have recorded elsewhere my apprehension that major decisions regarding resource allocation and resource management may be reached without sufficient input by northerners and sufficient consideration of the consequences for northern interest groups. While I accept that Cabinet ministers are empowered to make such decisions, I am convinced that northerners expect them to do so only when they have been armed with the best possible factual information and the strongest possible expression of northerners' priorities. The Ministry of Natural Resources' land use guidelines are intended to establish a resource allocation pattern as a spatial framework for more detailed resource management planning and ultimately for implementation of management plans. I am concerned that the Minister of Natural Resources' insistence on his prerogatives to make decisions about

resource allocation outside the reach of any formal planning process could interrupt the continuum between the land use planning and the resource management planning, so that resource management plans asserting priorities for a particular use could be devised and implemented without serious consideration of the possibility that other use priorities might make greater sense to northerners. I believe that the continuum must be re-established through application of the Environmental Assessment Act at appropriate stages in the Ministry's planning system in order to ensure that the Act's provisions regarding investigation of alternatives to a proposed undertaking are applied to resource management plans before they are implemented, as I have already recommended. I also conclude that the Ministry of the Environment and the Ministry of Natural Resources must devise and publish a comprehensive and detailed strategy for applying the Act to the latter's planning system and its resource allocation and resource management activities.

The future of the Reed tract raised issues leading to the creation of the Commission and remains a source of concern and uncertainty to northerners. I have concluded, for reasons detailed elsewhere in Chapter 5, that the Memorandum of Agreement regarding the allocation of this tract to large-scale timber harvesting can now be rescinded. To do so would strengthen the opportunities for northern interest groups to advance their own priorities for the area in a prospective manner.

In reaching that conclusion, I must point out that I see nothing intrinsically "wrong" about allocation of this tract wholly or in part to a large pulp and paper company. That may indeed turn out to be a beneficial future for the tract, but it should be regarded for now as but one of several alternatives.

The Ministry of Natural Resources' policies and intents regarding the priority that it accords to timber harvesting are manifest in the pattern of forest management units that it has demarcated across the province wherever potential for commercial timber production is known or considered to exist and within which it may allocate rights to harvest timber through licences and agreements. Two kinds of units exist. Company management units are areas for which large, integrated pulp and paper companies hold Order-in-Council licences or forest management agreements conferring on them long-term rights to harvest timber for their own mills according to mutually agreed-upon management plans. In the case of Crown management units, which are of greater concern in this development and planning strategy, the Ministry may allocate the timber supplies in all or part of a unit to independent sawmillers and other operators through shorter-term licences and volume agreements.

The Crown management units that the Ministry has demarcated extensively across the southern part of Ontario north of 50 consist in the main of timber stands that have not been allocated or exploited. Two of these, the Berens River CMU and the Lake St. Joseph CMU, occupy the southern part of the Reed tract, while others, to the east, extend as far north as the Albany River.

The very existence of these units signals to northerners and the industry an at least tentative intention on the Ministry's part to eventually assign to them a priority for commercial timber harvesting should market and alternative timber supply

considerations so dictate. But here again, as with the Reed tract, commercial timber harvesting is only one of several alternatives that northerners and others might wish to evaluate. The Ministry should remove from designation all unallocated and unexploited Crown management units in the original Reed area and elsewhere north of the forest access road network in Ontario north of 50.

Assertion of Native Communities' Rights of Access to Hinterland Resources

The hinterland of a native community comprises the territory on which the community has traditionally relied for survival and significant income. The maps in The Kayahna Region Land Use and Occupancy Study show the expected land use pattern. Trapping, hunting, fishing and other resource-using activities are pursued most intensively near the communities and with decreasing intensity towards the peripheries of the hinterlands. Thus defined to include their least utilized portions, the hinterlands of adjacent communities are seen to coalesce and together occupy a large area in northwestern Ontario.

Native people told the Commission on countless occasions of their fears that timber harvesting and other intrusive developments would compromise their rights of access to their hinterlands for trapping, fishing and hunting and could bring about disastrous disruption of wildlife and fish habitat. While these fears may seem somewhat exaggerated, they are founded on experience.

As the Fort Hope study and other evidence demonstrated, continuing access by the native communities to natural resources in their hinterlands is a precondition for their growth and development, and perhaps even their survival. The hinterlands can contribute in a number of ways: by producing commodities for local consumption to offset the high costs of imported alternatives, by yielding products for sale in processed or raw forms to outside markets, and by offering the wilderness values and biological resources that can attract growing numbers of tourists and recreationists for whom local native people can provide goods and services.

Elsewhere in this report, I have made recommendations to ensure that northern native communities will be able to secure an even greater flow of benefits from use of their hinterland resources than they have in the past. To summarize them briefly, I have proposed that the existing reserves be enlarged by alienation from Crown lands to a size sufficient to encompass the resources on which the communities most intensively rely and that settlements now lacking reserves be provided with adequate ones. I have further proposed the delineation of larger community-use areas comprising those lands and waters currently sustaining the community through trapping, hunting, fishing and wilderness tourism, or required to do so in the future.

While I am recommending that native people be accorded a much higher priority in the development and use of resources in the hinterland community-use areas, I am not proposing that they should be granted sole rights of access to them. To do so would be inequitable and, moreover, could stifle development of the

north for the benefit of all northerners and affected outside interests. Instead, I have made recommendations that would ensure that no outside development proposal significantly affecting a community or its community-use area could be implemented without prior consultation with the community. I have recommended the creation of a Northern Development Authority as an independent and neutral body empowered to facilitate negotiations between the affected community and a proponent, with a view to securing agreement on terms and conditions that would enhance benefits to the community. Such terms and conditions could include stipulations regarding on-the-job training, employment, environmental protection, and the proponent's other obligations to foster community development as a good corporate citizen. They could also set out the community's obligations to the proponent.

But if native communities are to benefit as fully as they could from their own resource-based activities in their hinterlands and to participate to the greatest possible extent in the non-native enterprises that may be established there, they will have to extend their community planning to encompass the hinterlands. Native communities must determine and clearly articulate their own values, priorities, goals, and objectives before they can gain a clear understanding of the most economically-productive relationship between their communities and the natural environments surrounding them, before they can put forward their own positive hinterland plans as an alternative to the Ministry of Natural Resources' land use guidelines, and before they can negotiate favorable terms and conditions with outside developers under the aegis of the proposed Northern Development Authority.

Strengthening Planning by Northern Native Communities

The story of governments' efforts to foster the social and economic well-being of northern native communities has been largely one of millions of dollars being spent on a multitude of well-intentioned but mainly ill-conceived, abysmally coordinated, short-lived, and ultimately ineffectual development and assistance programs, too often out of control and running amok. The evident failure of these efforts to generate substantial benefits has become a source of frustration to both the agencies delivering programs and the intended beneficiaries. And the demonstrated willingness of governments to support community projects and native enterprises that have little chance of success and to respond to employment crises with short-term, make-work programs that have no lasting effects has fostered an expectation that government agencies will remain the source of inexhaustible funds, tappable with minimal requirements for financial and performance accountability. Although some successes have been attained, for example in tourism development, they are few and far between.

While the Commission could substantiate this conclusion by presenting a litany of programs gone awry through lack of proper planning, coordination, and performance evaluation, no useful purpose would be served by doing so. Instead, it prefers to focus

attention on the prerequisites for better planning and program coordination in the future.

Government agencies are well aware that coordination of their programs must be improved and they have taken constructive steps to do so. However, while better coordination is essential, it cannot by itself resolve the development problems confronting northern native communities. Beyond this, governments must now tackle the even more formidable task of devising coherent sets of policies and objectives regarding the future development of native communities in Ontario's far north. But policy formulation and objective setting are not activities that governments can accomplish satisfactorily in isolation from their clients. Instead they are activities that demand sustained input by native agencies and communities over a considerable time span. Comprehensive planning by northern communities can contribute centrally to the derivation of mutually acceptable policies that provide a coherent and consistent rationale for the identification of program needs and the coordination and delivery of programs and to the involvement of native people in charting their own communities' futures.

Native communities in Ontario were made more fully aware of the concepts of community planning in 1980, when the Ontario Region of the Department of Indian Affairs and Northern Development initiated its Comprehensive Community Planning process. This planning, as outlined in DIAND's Comprehensive Community Planning and Development Strategy Paper of 1983, embodies some innovative and progressive principles that boded well to secure for native communities greater involvement in their own planning than they had ever had before. The document outlines a team planning approach that provides opportunities for the bands, DIAND, and other agencies to work in an effective way towards identifying and achieving the bands' goals and aspirations, while considering each participating band as the primary actor. According to the document, a comprehensive community plan must cover a broad range of fields, including physical, economic, socio-cultural, site, environmental and recreational planning, and it must present an implementation strategy. DIAND's report enumerates the expected benefits from the planning: improved program delivery and services, improved departmental operations, promotion of leadership development at the local level, the transfer of skills to the communities, the growing awareness in the communities of strengths, weaknesses and opportunities, and the development of Indian self-determination and self-sufficiency. DIAND has taken on the role of coordinating the input of other federal government departments to the planning and development process and sees planning as a route towards improving the access of communities to provincial government services.

Unfortunately, in the case of the far northern native settlements at least, the performance of DIAND's comprehensive community planning has not matched its initial promise. As recently as a year ago, the planning had not even been initiated for most reserves, although work was under way in some. Other agencies had completed planning-related studies, most of them

focusing on capital development planning and physical infrastructure without necessarily ascertaining the real needs and priorities of the communities themselves or their relationships with their hinterlands. Some of the community planning actually in progress and almost all of the ancillary work by other agencies had been carried out by consultants. Moreover, the Commission has also learned that DIAND's Planning and Review Unit has been encountering staffing problems, cut-backs in funding, and difficulties in establishing an effective working interface with provincial ministries and some other federal government departments.

DIAND's comprehensive community planning is also encountering resistance from at least some of its intended clients. The Fort Hope report was skeptical about the likelihood that the planning program being mounted by the department for native communities in the north would prove any better fitted than earlier economic, social, and community development programs to bring about any significant improvement in their lot. It said: "... As the 1970's ended and the '80's began, DIAND (perhaps in desperation) began promoting and pushing 'planning' on the Bands 'Planning' will be as ineffective as all the rest of the 'development' since the 1960's for it bears the unmistakable characteristics of all the rest:

- (i) it was DIAND's idea and they drew up the Terms of Reference
- (ii) it is underfunded;
- (iii) it is done by urban-based, urban-biased, outside consultants ; and
- (iv) the length of time actually spent in the community is incredibly small - the plans and reports are all done somewhere else."

The Commission's own experience with its project at Fort Hope is clearly relevant to the planning that the Department of Indian Affairs and Northern Development has initiated in the far northern settlements. The Fort Hope study was conducted by Fort Hopians themselves with outside support but no outside interference over a period of more than three years. The study has made an indispensable contribution to the community's awareness of its circumstances, to its ability to identify needs and opportunities, and to the emergence of a consensus on its directions for the future. The study constituted the first stage of its community planning and is a prerequisite for success in all later stages, on which it is now ready to embark. DIAND's planning elements - physical planning, economic planning, socio-cultural planning, and all the rest - make little sense unless based on the kind of consensus-building that Fort Hopians have been able to accomplish through their own study.

The Commission supported the Fort Hope study by funding it and by providing for the services of an experienced and dedicated northern professional who became accepted by the community and was

willing to contribute to community consensus-building over the duration of the project. The key ingredients for success in the Fort Hope study - adequate funds (without strings), appropriate expertise, and sufficient time - seem unlikely to be attainable by DIAND's comprehensive community planning as now constituted, with its small district staff and heavy reliance on shorter-term assignments of work to consultants, most of whom lack the right kind of northern experiences.

A compelling case can be made for a much more catalytic and central contribution by the Ontario Government to the planning efforts of northern native communities. Status Indian people may be "wards" of the federal Government, but they are also citizens of the province who have suffered from both benign paternalism and abject neglect and deserve all the support that they can get. Also ignored have been Metis and non-status natives, who have been less shielded by the federal Government's "protective" umbrella. However, investment in the future of northern native people has to do with much more than giving charity to the underprivileged or the righting of historic wrongs, and its benefits extend far beyond reducing the provincial Government's welfare bill. The Ontario Government's support of native development initiatives that are the product of consensus-building within a community planning process that native people control would be an indispensable contribution to native self-sufficiency and self-reliance. Self-sufficient and self-reliant people can be only an asset to society as a whole.

The results of the research at Fort Hope constituted the necessary first step in comprehensive planning there and laid the foundation for its later stages. That research concentrated on the settlement itself rather than on the settlement's hinterland. On the other hand, Kayahna's land use and occupancy studies focused on establishing its communities' territorial spheres of influence by exploring the functional relationships between communities and their hinterlands, and thus set the stage for fuller documentation of the contribution of the hinterlands to subsistence and economic activities and eventually for the derivation of land use plans. The fundamentally different research objectives and approaches that evolved in Fort Hope and Kayahna may well serve as general models for similar work in other native communities; however, each community must be encouraged to design its own research objectives and approaches in accordance with its own circumstances and consistent with its own aspirations.

Settlement-oriented and hinterland-oriented approaches complement each other and could be integrated to produce a powerful foundation for further planning and eventually, through planning, a clear statement of development priorities. By sponsoring adoption of these two research approaches in other native communities, the provincial Government could build on work already shown by the Commission to be promising. DIAND's comprehensive community planning embodies principles to which the provincial Government could give its whole-hearted support were the planning initiatives to be made more responsive to communities' needs and the course of the planning itself to be left more firmly in communities' control.

A great many ministries of the Ontario Government have a major potential contribution to make toward the success of comprehensive planning by northern native communities and the developments that may ensue. The Ministry of Natural Resources is an obvious key actor through its control over the allocation and management of Crown land resources; so, too, is the Ministry of the Environment, charged as it is with administering the Environmental Protection Act and the Environmental Assessment Act. The Ministry of Northern Affairs has a mandate to provide northerners with levels of service and access to the Government comparable with those available in the rest of the province. The Ministry of Tourism and Recreation has responsibilities that impinge on planning and development in the tourism sector. The Ministry of Community and Social Services delivers essential programs and services for native people both on and off reserves. The list is far from complete.

Moreover, a surprising number of branches and committees within provincial government ministries are discharging responsibilities related to the formulation of provincial policies toward native people or the coordination and delivery of programs for them. Because most of this ongoing work is carried on behind the scenes, the public has had little inkling of its existence, let alone its substance. This must change. The Commission is convinced that the Government now adopt a more aggressive and visible policy on planning and development of the province's far northern native communities and their hinterlands.

The Government of Ontario should reach agreement with the Government of Canada and northern native people on the scope, goals, operating principles, procedures and funding of long-term, coordinated federal-provincial planning for northern native communities. In so doing, it should seek to strengthen its contribution to the comprehensive community planning process already embarked upon by the Department of Indian Affairs and Northern Development.

Initiation of Sectoral Planning by Tourism and Other Interest Groups

Implementation of the Commission's recommendations regarding the recognition and delineation of community-use areas would accord to native people priority rights of access to hinterland resources for development of their potentials for trapping, hunting, fishing, and other resource-dependent activities including wilderness tourism. Acquisition of these priority rights by native people over the area generally north of the 7th

and 11th baselines and the Albany River would not exclude prospective non-native interests from gaining access to resources there, but their ability to do so would be contingent on the satisfactory outcome of consultation with the affected community or communities on the terms and conditions to be met. The community-use areas thus recognized would form the spatial framework within which the Commission's recommendations regarding comprehensive planning by native people for their communities and associated hinterlands would be implemented. The proposed planning would enable people in native communities to determine and specify their requirements for hinterland resources to support their commercial and subsistence activities and hence to engage in productive negotiation with prospective outside developers and interest groups.

Sectoral interest groups - tourist operators, trappers, wilderness advocates, and others - have an obvious major stake in community-based planning and should place themselves in a position to participate in it and to influence its outcome. Each interest group can enhance its clout in doing so by organizing its individual members into associations for purposes of planning, setting objectives, seeking funds, and presenting a unified front in asserting its priorities when dealing with government agencies, communities, and competing groups.

In the case of tourism, mainly non-native interests have already secured representation through the Northern Ontario Tourist Outfitters Association (NOTO) and its member groups and through the travel associations established for regions having such evocative names as Sunset Country, North of Superior, and James Bay Frontier. The recent initiatives made by some native tourist operators to establish their own associations in the Lowlands and on the Shield merit the encouragement and support that they are now being given by federal and provincial government agencies. Trappers in the southern part of Ontario north of 50 have formed associations to safeguard and promote their interests; the Sioux Lookout Trappers Council pressed its case with particular vigour at hearings of the Commission. Native trappers, too, are now contemplating the creation of associations of their own.

The integrated planning strategy advocated by the Commission is designed to provide northern communities and interest groups with sufficient opportunities to determine and promote their own priorities in a manner that is constructive and not hampered by preconceptions that the course of northern development has already been set by outsiders. Once armed with a strong sense of their own objectives, northern communities and interest groups will be well equipped to participate forcefully and constructively in negotiations on tradeoffs that must inevitably take place. The Government of Ontario, and particularly the Ministry of Northern Affairs, could encourage and facilitate the formation of associations representing sectoral interests north of 50 and the initiation and conduct of sectoral planning by such associations.

A major objective of sectoral planning by interest groups, in collaboration with government agencies, should be to delineate areas having strong natural resource potentials for particular

uses and within which particular sectors would be accorded priority in the allocation and management of resources. Delineation of such resource management areas, as they could be termed, would represent a simple extension to other sectors of the principles underlying the provincial Government's designation of forest management units and agreement areas within which timber harvesting is accorded the highest priority and the interests of other users may be accommodated to a degree but are subordinate.

The chapter on tourism in this report advocates the creation of tourism management areas to encompass lands and waters having particularly strong potentials for wilderness tourism and within which the priorities of tourism and activities compatible with it would be paramount, though not necessarily to the exclusion of timber harvesting and other resource-using activities where they could be carried on without compromising wilderness tourism objectives. The concept of tourism management areas is obviously less applicable to those road-accessible southwestern parts of Ontario north of 50 where irrevocable commitments to large-scale timber harvesting have already been made and where the main concerns of the tourism industry centre on the rehabilitation of deteriorating physical plant and the conversion of base and outpost camps into family resort operations.

Application of the resource management area concept to areas not already deeply committed to other uses could be extended beyond wilderness tourism to trapping and other forest-dependent uses, but the Commission sees no particular need to do so at this time. Forest protection areas, as recommended, could play a related role. While wilderness tourism is apparently the sector offering the greatest prospects for generating income and employment over the greater part of Ontario north of 50, it should not conflict with trapping, hunting, or the cutting of timber for local construction and fuel. Although some curtailment of commercial fishing may be necessary in order to support tourist angling, this is unlikely a serious constraint given the weak long-term outlook for this industry.

The concept of the tourism management area can be fruitfully applied to the hinterlands of native communities, where high quality terrain, biological, cultural, historic and archaeological resources exist on a scale sufficient to support wilderness tourism. The delineation of such areas therefore calls for inventory and evaluation of the resource base to be carried out collaboratively by communities, prospective native tourism associations, and the Ministry of Natural Resources, which has the mandate to allocate natural resources and also the necessary technical expertise.

The concept of tourism management areas is essentially a resource supply concept, to be implemented through this process of inventory and evaluation, much of which has already been carried out by the Ministry of Natural Resources. But, once established, tourism management areas can serve much broader purposes. Recognition by the Government of a tourism management area would signify Government's commitment to the preservation, allocation, management, and enhancement of the natural and cultural resources

within it for the benefit of the wilderness tourism industry. Tourism management areas would constitute the framework within which planning for wilderness tourism development could take place and that would assure for the tourism industry that security of resource supply, information flow, and consistency in resource management decision making required by potential investors. Thus, implementation of the tourism management area concept could contribute crucially to the success of tourist enterprises and to their ability to generate sorely needed income and employment.

While native communities and tourism associations have a central role to play in comprehensive tourism planning by providing its initial impetus and by identifying their own priorities, they cannot carry it out on their own. Comprehensive planning for the sector encompasses the jurisdictions and requires the expertise of both levels of government and several agencies. The allocation and management of most of the natural resource supply foundations of the tourism industry in the north is the mandated responsibility of the Ministry of Natural Resources. Responsibility for tourism development in Ontario rests with the Ministry of Tourism and Recreation. A host of other agencies are involved in the provision of infrastructure and funds for tourism development. The market for wilderness tourism in far northern Ontario needs to be more fully probed, and a marketing and promotion strategy devised. Given the large number of government agencies and private groups having significant and often conflicting interests in the tourism field, the Ministry of Northern Affairs could have particularly crucial leadership and coordinating roles to perform.

Facilitating Coordination and Negotiation

The Royal Commission on the Northern Environment advocates a northern-oriented planning system in which comprehensive community planning, sectoral planning by northern interest groups, and planning and programming by government agencies interact with each other and reinforce each other. Implementation of the Commission's recommendations would help to ensure that each community and interest group is enabled to determine its own realistic priorities and to advance them in constructive negotiation with other interest groups and with the government agencies, including the Ministry of Natural Resources as a primary protagonist for outside interests as well as allocator and manager of Crown lands. The Commission sees the conduct of such negotiations as the only feasible basis for synthesis of a truly comprehensive plan for the north, expressing the common will of northerners and reconciling the diverging concerns of groups to the maximum possible extent.

The required coordination and synthesis will not take place automatically. The federal and provincial Governments must devise and create mechanisms crafted to ensure that they do. Northern planning clearly needs a multipartite forum providing for negotiation between representatives of governments, communities, and interest groups and an administrative mechanism to coordinate funding, information flows, the provision of expert advice, program delivery, and other essential inputs and to monitor

progress. The Department of Indian Affairs and Northern Development is an obvious participant, as it already has mandated responsibilities for coordinating federal government departments' activities impinging on Indian people. The Ministry of Northern Affairs should accept the corresponding role on the part of the many provincial government agencies having responsibilities that impact on northern planning and development. The question of how northern native people can best represent themselves on planning and negotiation matters is one to be addressed by native people themselves. I can do no more than observe that too much political rhetoric in the process will surely wreck it and that the native communities themselves, which have a particularly great stake in the outcome, must be accorded clear channels of access to whatever negotiation forum and administrative mechanism are established. The securing of an effective input to the process by sectoral interest groups would likely prove to be less difficult, provided that their individual members organize themselves into associations that can negotiate with a strong collective voice.

The Commission has examined the potential of a Northern Development Authority, recommended elsewhere in this report, as a body designed primarily to facilitate negotiation of development agreements between communities and project proponents, to take on the additional functions of becoming a focus for coordinating northern planning and providing a forum for the resolution of differences between participants. This is an issue on which the Commission finds itself unable to make a clear recommendation. While the Commission has recommended that the Northern Development Authority be given the small investigative capability that it needs in order to back up the negotiation of development agreements, it hesitates to saddle it with the additional planning functions required to keep northern planning on course. On the other hand, the Commission does not want implementation of its recommendations to proliferate new bureaucratic structures designed to meet the needs of the only 30,000 people living in Ontario north of 50. The Commission concludes that the provincial Government can best address the issue.

RECOMMENDATIONS

The Need For Institutional Change

2.1 Recommendation:

That a Northern Development Authority be established by special legislation as an independent agency, reporting to the Legislature, through the Minister of Northern Affairs.

2.2 Recommendation:

That the Northern Development Authority be empowered to negotiate resource use agreements with developers proposing to develop northern resources.

2.3 Recommendation:

That resource use agreements be preconditions to proposed resource developments considered to be significant by the Northern Development Authority.

2.4 Recommendation:

That if the Northern Development Authority and a developer cannot agree on the terms and conditions of a resource use agreement, then the parties may request the Minister of Northern Affairs to resolve such conflicts in whatever manner the Minister may deem appropriate.

2.5 Recommendation:

That the Northern Development Authority be administered by three directors, to be named by the Cabinet with the consent of the Legislature, for seven-year terms; that one of the directors be selected from a list of candidates proposed by municipalities and towns north of 50; that one director be selected from a list of candidates proposed by Indian communities in the north; and that one director, who must be a resident of Ontario near or north of 50, be selected by Cabinet; that one director be appointed as initial managing director of the Authority for a two-year term; and that subsequently, the three directors be empowered to decide amongst themselves who should subsequently serve as managing director for a similar term.

2.6 Recommendation:

That the Northern Development Authority be empowered to monitor compliance with resource use agreements and have the legal capacity to enforce such agreements.

2.7 Recommendation:

That the Northern Development Authority be empowered and funded to permit it to carry out activities and implement programs which are of direct and immediate value to its principal function of determining the appropriate content of resource use agreements, as well as negotiating, implementing, monitoring and enforcing such agreements; that among such activities be the coordination of all related regulatory approvals, the design and implementation of occupational and business training programs, the operation of an information centre on government economic development programs, and the acting as co-proponent of undertakings north of 50 for purposes of assessment under the Environmental Assessment Act.

Protecting the Northern Environment

3.1. Recommendation:

That for purposes of environmental assessment under the Environmental Assessment Act of undertakings on Crown land, the Government of Ontario, through the ministry or ministries most involved in the management or regulation of the resource or activity concerned, be the proponent or co-proponent of such undertakings; and that the Northern Development Authority be a co-proponent for all undertakings north of 50 for which a resource use agreement has been negotiated.

3.2. Recommendation:

That the Government of Ontario develop and introduce procedures for identifying proponents at the earliest possible stage of the environmental assessment process under the Environmental Assessment Act.

3.3 Recommendation:

That the Minister of the Environment be empowered to designate proponents for undertakings subject to the Environment Assessment Act.

3.4 Recommendation:

That the Environmental Assessment Act be amended to require pre-submission consultation by the proponent, government and interested parties; that procedures for pre-submission consultation continue to be established through the publication of guidelines by the Ministry of Environment.

3.5 Recommendation:

That the Environmental Assessment Act and Section 5(3) thereof be amended to require that the environmental assessment document also contain a description of pre-submission consultation which indicates who was involved and what matters were discussed.

3.6 Recommendation:

That the Government of Ontario develop specific and quantifiable ecological factors for use in the assessment process under the Environmental Assessment Act.

3.7 Recommendation:

That the Environmental Assessment Board develop guidelines to assist its determination of who has standing before the Board; and that such guidelines provide that standing shall be granted to any native community which may be concerned about any effects of an undertaking.

3.8 Recommendation:

That the public record maintained by the Ministry of the Environment for undertakings subject to environmental assessment include any report or study relied on by the proponent or by any Government agency reviewing the environmental assessment.

3.9 Recommendation:

That copies of the public record be maintained by the Ministry of the Environment for proposed undertakings north of 50 at the Northern Development Authority and at affected northern communities in Band offices.

3.10 Recommendation:

That for every undertaking subject to the Environmental Assessment Act, the Ministry of the Environment prepare a concise summary or screening document that describes the proposed undertaking, sets out the schedule contemplated for its completion, identifies a proponent of the undertaking, provides a preliminary evaluation of potential environmental effects and contains a copy of any guidelines for preparing the environmental assessment document issued by the Ministry.

3.11 Recommendation:

That the public have access to any record maintained by the Minister of the Environment under the Environmental Assessment Act with respect to a proposed undertaking from the time the screening document is released

3.12 Recommendation:

That the requirements for public notice under the Environmental Assessment Act be expanded to provide for earlier and more extensive dissemination of information to the public about proposed undertakings by:

- (a) immediate and widespread public notice and dissemination of the screening document by the Ministry of the Environment when all information required for the document is available.
- (b) similar public notice by the Ministry of the receipt of the completion of an environmental assessment document indicating how interested persons may have access to the document and how submissions commenting on the document may be made in order to be included in the Government's review of the environmental assessment document; and
- (c) similar public notice by the Ministry of completion of the Government's review of the environmental assessment document, including how interested persons may request a hearing.

3.13 Recommendation:

That wide-spread public notice by advertisement and mailing be given of any decision to hold a hearing by the Environmental Assessment Board; that such notice not be restricted to notification of previously identified persons; and that a minimum of 60 days notice be given of any hearing involving an undertaking north of 50.

3.14 Recommendation:

That public notice under the Environmental Assessment Act involving undertakings that either the Ministry of the Environment or the Northern Development Authority consider to be of interest to northern communities be made in the appropriate native language and provided to potentially interested local governments, Band Councils and northern residents; and that all such notice indicate what further notices, if any, will be given.

3.15 Recommendation:

That the Ministry of the Environment's publication, "EA Update", include all requirements for public notice, both in general and with respect to particular assessments; and that "EA Update" be distributed in a timely manner to all northern communities.

3.16 Recommendation:

That the Environmental Assessment Act be amended to specify that the environmental assessment document contains a full report on all public response or consultation in which the proponent was involved while planning and designing the undertaking and preparing the assessment.

3.17 Recommendation:

That all class assessments under the Environmental Assessment Act effecting areas north of 50 contain a "bump-up" provision to ensure that environmentally significant undertakings within the class are subject to individual assessment.

3.18 Recommendation:

That each "bump-up" provision in a class assessment under the Environmental Assessment Act indicate the circumstances in which the "bump-up" is to occur - e.g., by request of affected persons, by identification of resource-use conflicts, and by criteria such as unique ecological factors which call for individual assessment.

3.19 Recommendation:

That north of 50, funding for public participation in the environmental assessment process be mandatory under the Environmental Assessment Act; and that a special fund be established on an experimental basis to fund participants in the environmental assessment process to which proponents and government ministries or agencies contribute, as may be required by the Minister of the Environment.

3.20 Recommendation:

That funding for public participation in the environmental assessment process be provided to groups or individuals with a relevant interest in the matter, to the extent that financial assistance is needed to ensure adequate participation and the presentation of all relevant views.

3.21 Recommendation:

That the public participation fund be administered by an "arms-length" body (see Recommendation 3.24).

3.22 Recommendation:

That, with the assistance of interested persons, criteria be developed to guide decisions on allocating funds to persons for participation in the environmental assessment process under the Environmental Assessment Act; that these criteria give special consideration to the needs of northern residents and to others with needs arising from the nature of their interests or their place of residence; and that these criteria also establish appropriate requirements for accounting by recipients of funds received for participation.

3.23 Recommendation:

That, a list of approved uses for funding of participation in the environmental assessment process be developed by an "arms-length" body and include funding for written submissions on the environmental assessment document, expert assistance in preparing submissions, research, expert witnesses, legal counsel, translation and communications.

3.24 Recommendation:

That the Environmental Assessment Advisory Committee be directed by the Minister of the Environment to advise, following a thorough investigation involving full public participation, on the following matters:

- (1) all exemption and designation requests received by the Minister;
- (2) the Guidelines for Pre-Submission Consultation and the pre-submission consultation process;
- (3) class assessment procedures, including "bump-up" provisions;
- (4) procedures for early determination of the proponent;
- (5) criteria for funding public participation in the environmental assessment process (including the selection of applicants for funding) and accountability for the use of the funds; and
- (6) procedures for resolving interprovincial and federal provincial conflicts.

3.25 Recommendation:

That the Environmental Assessment Advisory Committee administer the public participation fund as called for in Recommendation 3.19 and 3.21 and decide on applications for funding.

3.26 Recommendation:

That the Committee annually review and report on its activities and the state of environmental assessment in Ontario to the Legislature, through the Minister of the Environment.

3.27 Recommendation:

That given the sensitivity of the environment and the unique circumstances of development in the north, the Ministry of the Environment designate all private undertakings which it finds to have significant environmental effects north of 50 for environmental assessment under the Environmental Assessment Act.

3.28 Recommendation:

That in the determination of the "significance" of the environmental effects of any undertaking by the Minister of the Environment, the unique environment of northern Ontario and its importance to the socio-economic health of its residents, be considered, as well as expressions of public concern and recommendations from the Environmental Assessment Advisory Committee and the proposed Northern Development Authority.

3.29 Recommendation:

That no further undertakings be exempted by the Minister of the Environment from the Environmental Assessment Act on the basis of historical criteria such as "grandfathering" or "advanced stage of planning" north of 50.

3.30 Recommendation:

That all aspects (including related infrastructure, such as access roads) of site-specific undertakings subject to assessment under the Environmental Assessment Act be covered by a single comprehensive environmental assessment.

3.31 Recommendation:

That the Minister of the Environment designate all private undertakings for environmental assessment where related public undertakings are subject to the Environmental Assessment Act.

3.32 Recommendation:

That the Environmental Assessment Advisory Committee after public consultation, develop guidelines and procedures for environmental assessments of undertakings with trans-border or interjurisdictional effects in order to lessen jurisdictional disputes.

3.33 Recommendation:

That the Government of Ontario become directly associated with international research efforts and undertake increased research into the effects of acid precipitation on the forests, game, waterfowl and wildlife of northern Ontario (particularly on all species believed to be affected by such precipitation).

3.34 Recommendation:

That fines levied on offenders of environmental legislation be increased to a maximum level greater than or equal to the costs of abatement, to the extent possible.

3.35 Recommendation:

That a large portion of the monies collected from environmental prosecution and fines be allocated to the local area impacted by the pollution, to be spent according to needs determined by local residents.

3.36 Recommendation:

That the Ministry of the Environment increase its environmental detection and enforcement staff, some of whom should specialize in the detecting and enforcement of particular pollutants and should not be tied to regional offices.

3.37 Recommendation:

That the Government of Ontario provide additional funding for scientific research to improve on the Ontario Water Management Objectives and allow for better documentation on the environmental effects of new and little known substances.

3.38 Recommendation:

That the Water Management Objectives be enacted as regulations and enable prosecution for violation of the regulations.

3.39 Recommendation:

That more funding be committed toward expansion of knowledge and expertise in the field of abatement technology.

3.40 Recommendation:

That public and industry input into the decision-making process be increased in the EPA and OWRA especially at the stages of establishing environmental protection regulations, (e.g., standard-setting) and developing project-specific abatement requirements (e.g., control order process).

3.41 Recommendation:

That, to assure the payment of compensation in cases where environmental damage results in loss of health or socio-economic opportunities for local residents, it is recommended that:

- (1) clear jurisdictional responsibilities be established between the federal and provincial Governments regarding Indian claimants;
- (2) funds be made available to those members of the public requiring financial assistance where legal action is required to obtain or recover compensation payments due as a result of environmental damage;
- (3) the provincial and federal Governments confer on quantitative and qualitative methods for determining the financial equivalent of damage caused to the physical, social and economic environment as a result of violations of environmental legislation and regulation;

- (4) enforceable regulations be established to determine the time frame in which a violator is obligated to pay the compensation in full.

The Indian People in the North of Ontario

4.1 Recommendation

That the Government of Ontario recommend to the federal Government that the Indian Act be amended to give full status as legal persons to band councils and bands.

4.2 Recommendation:

That the Government of Ontario grant Crown land to Indian communities located north of 50, pursuant to procedures outlined in Recommendation 4.3.

4.3 Recommendation:

That the Government of Ontario appoint a Northern Land Commissioner under the Public Inquiries Act to identify and report to the Government on Crown lands to be granted to and for the use, benefit and eventual ownership of Indian communities north of 50 for the settlement of; these communities, their present and future residents, and the surrounding environment.

4.4 Recommendation:

That the Northern Land Commissioner, in identifying and recommending Crown land for grant to northern Indian communities, consider:

- the adequacy of existing reserves for community needs;
- current and future populations;
- present and future community requirements for food gathering, housing, community facilities, water supply, energy, fuel, building materials, transportation and communications;
- existing surface and subsurface rights;
- the needs of existing, contemplated or likely local businesses or economic development projects;
- the views of the Indian community affected;
- the need for buffer zones to shelter the community from adjacent resource development impacts.

4.5 Recommendation:

That on receipt by the Government of Ontario of the report of the Northern Land Commissioner, the Government of Ontario unconditionally grant all rights in the lands identified by the Commissioner to the Government of Canada in trust for the use, benefit and eventual ownership of the indicated Indian communities; and that after such grants have been made, the Government of Ontario be prepared to negotiate the unconditional granting of additional or alternative land if and when petitioned by representatives of northern Indian communities.

4.6 Recommendation:

That all income earned by residents and businesses living or located on land granted by the Government of Ontario to Indian communities in the north be exempt from taxation until such time as the federal and provincial Governments agree, after consultation with affected Indian communities, that taxation if imposed would not discourage or lessen business or other economic development activities.

4.7 Recommendation:

That the Government of Ontario introduce legislation to require that those persons undertaking prospecting or mineral exploration on lands occupied by Indian communities give reasonable advance notice to the communities affected of the nature and timing of such activities.

4.8 Recommendation:

That the Ministry of Natural Resources train and employ Indian Conservation Officers.

4.9 Recommendation:

That the Ministry of Natural Resources establish special committees to advise the Ministry on research, planning and resource management matters as these pertain to Indian communities; and that Indian Conservation Officers be among the persons named to such committees.

4.10 Recommendation:

That the Government of Ontario designate community use areas in the province north of 50 in which hunting, fishing and trapping by Indian persons would have priority over other resource users, subject to Recommendation 4.11 to 4.14.

4.11 Recommendation:

That the Government of Ontario establish procedures for designation of community use areas by the Ministry of Natural Resources; that such procedures be activated by an application by an Indian community located north of 50 and that the Ministry designate the Community Use Area as applied for within 90 days of the application if it has received evidence of the community's reliance on the area for hunting, fishing and trapping.

4.12 Recommendation:

That the Ministry of Natural Resources exclude from any area designated as a community use area any existing rights of use of occupancy and make provision for easements to permit public access along water ways and reasonable public recreational and tourism uses which are not likely to impinge on fishing, hunting and trapping by members of the Indian community for whom the designation of a community use area was made.

4.13 Recommendation:

That the Ministry name an independent scientist acceptable to affected Indian communities whose decisions on the appropriateness of any restriction on levels of hunting, fishing or trapping would be binding on all parties.

4.14 Recommendation:

That in the event of any resource use other than fishing, hunting and trapping by the affected Indian community and its residents being proposed for a designated resource use area, that a precondition of such use be the negotiation of a resource-use agreement between the developer and the Northern Development Authority.

4.15 Recommendation:

That elected school boards be established in each Indian community to be responsible for the administration and delivery of educational services at the local level.

4.16 Recommendation:

That the Indian community school boards, in conjunction with the Ministry of Education and native parents, establish a special curriculum for community schools which is on a par with provincial standards but which also accommodates the traditional culture.

4.17 Recommendation:

That Indian Community school boards and the Ministry of Education recruit teachers from qualified members of the community.

4.18 Recommendation:

That Indian community school boards in northern communities provide Grade 9 and 10 within the community.

4.19 Recommendation:

That the Province of Ontario move immediately to approve the construction of a first-class high school with technical and vocational options at a remote location selected by representatives of Indian community school boards.

The Northern Forest

5.1 Recommendation:

That the Ministry of Natural Resources be required by law to establish and maintain an up-to-date Forest Resources Inventory and that this Inventory contain accurate information on timber volume and regeneration capability of the province's forests including timber volumes on already cut and regenerated areas.

5.2 Recommendation:

That the Crown Timber Act be amended to provide that forest product companies be strictly liable for wasting wood in forest areas allocated to them for cutting and subject to fines equal to the value at the mill of wasted timber; that the AAC be calculated in volumes of timber rather than in area of forest; that licencees be required to account for the volume of timber cut and used and the volume left; that the stumpage fees paid to the Government of Ontario by licencees be reduced for hardwoods, balsam, insect-damaged and dead timber to levels that will encourage the use of such timber.

5.3 Recommendation:

That the annual allowable cut be adjusted over the next decade, beginning in 1986, to reflect the actual timber supply in Ontario's forest.

5.4 Recommendation:

That the rehabilitation of the backlog of cut-over forest land not sufficiently regenerated occur over a 20 year period; that these efforts be concentrated first on forest lands that are most likely to sustain regrowth and are closest to existing mill sites and second on forest lands around communities in which the principal employer is the forest products industry.

5.5 Recommendation:

That the Government of Ontario freeze mill capacity until wood supply under sustained yield management permits expansion.

5.6 Recommendation:

That the Reed Agreement should be repudiated by the Government of Ontario and no part of the tract should be licenced for cutting until Recommendations 5.9 and 5.27 of this report are implemented.

5.7 Recommendation:

That until the claims of White Dog and Grassy Narrows are settled, the Government of Ontario not grant any cutting rights in forest lands outside existing company management units to Great Lakes or any subsequent owner of the Dryden mill complex.

5.8 Recommendation:

That the Ministry of Natural Resources bring all company management units under forest management agreements by December 31, 1988.

5.9 Recommendation:

That sustained yield be imposed by law as an essential aspect of all forest management in Ontario.

5.10 Recommendation:

That the Ministry of Natural Resources amend the objective set out in the preamble of forest management agreements so that it calls for the management of the forest area on a sustained yield basis -- the volume of wood that can be cut not to exceed the volume growing in that area -- without reference to continuous supply, meeting market requirements or to mills.

5.11 Recommendation:

That the Ministry of Natural Resources begin, on an experimental basis, to allocate cutting rights through a public tender process.

5.12 Recommendation:

That "modified management areas" as provided for by the standard forest management agreement be called "forest protection areas".

5.13 Recommendation:

That northern residents and communities be given the right to apply to the Minister of Natural Resources for designation of forest protection areas at any time, including in advance of the submission of the licensee's five-year plan or the signing of a forest management agreement.

5.14 Recommendation:

That the Minister of Natural Resources be empowered to impose such operating standards as the Minister deems necessary when authorizing the cutting of trees in forest protection areas.

5.15 Recommendation:

That if an objection to designation of a forest protection area is received, the Minister of Natural Resources be empowered to refer the matter to the Northern Development Authority; that this Authority be empowered to terminate or continue the designation of any forest protection area and to determine the conditions under which designation is or is not to occur.

5.16 Recommendation:

That the Ministry of Natural Resources prescribe the circumstances in which clear-cutting should not be used.

5.17 Recommendation:

That the Ministry formulate and issue on a regular basis "Standards for Cutting the Boreal Forest" which set out appropriate cutting methods for representative forest areas.

5.18 Recommendation:

That, for forest areas in the Reed Tract and north of existing Crown and company management units, licensees be required to demonstrate that proposed uses of clear-cutting and related clear-cut configurations will not irreparably harm regeneration capabilities of affected sites, the ecology of adjacent waterways and the viability of other significant forest uses.

5.19 Recommendation:

That the Ministry of Natural Resources consider imposing the requirement that all cutting in environmentally sensitive areas and forest protection areas be contracted out to specialized cutting companies with demonstrated experience and expertise in environmentally acceptable tree cutting and removal.

5.20 Recommendation:

That the Ministry of Natural Resources consider providing incentives, training and accreditation programs to northern-based enterprises wishing to acquire the skills necessary to offer specialized cutting services.

5.21 Recommendation:

That undertakings in which particular cutting methods are proposed for use in the boreal forest be subject to assessment under the Environmental Assessment Act and that class assessments of such cutting method not be permitted until an information base on the environmental effects of cutting methods in representative boreal forest areas has been generated from actual environmental assessments.

5.22 Recommendation:

That the Northern Development Authority be empowered to require that a resource use agreement be a condition to commencement of construction of access roads, north of 50.

5.23 Recommendation:

That an independent Forest Audit Agency be established with powers, obligations and independence similar to those of the Provincial Auditor.

5.24 Recommendation:

That the Forest Audit Agency inspect, monitor, measure and report upon the conditions of the province's forest and all aspects of forest management; and that the Agency be headed by an Inspector of Forests whose appointment is subject to the approval of the Legislature and is for a term of years and level of remuneration that ensures independence.

5.25 Recommendation:

That the Inspector of Forest should report to the Legislature annually on the condition of Ontario's forests, the conduct of forest management, the success or failure of management techniques including regeneration and the performance of sustained yield and other obligations imposed by forest management agreements on forest product companies and the Ministry of Natural Resources.

5.26 Recommendation:

That the post of "Provincial Forester" be reestablished within the Ministry of Natural Resources.

5.27 Recommendation:

That the Ministry of Natural Resources take all necessary steps to ensure that seedlings with genetic qualities of faster growth and larger timber volume be planted on at least 80 percent of cut-over areas immediately after cutting or as soon as weather otherwise permits.

5.28 Recommendation:

That the Ministry of Natural Resources take whatever steps may be necessary to expand intensive forestry activities by the Ministry and licensees, such as thinning, spacing and fertilization, so that by 1990, all areas artificially seeded or planted are spaced and thinned at intervals of time acceptable to the Inspector of Forests.

Mining

6.1 Recommendation:

That the Government of Ontario recognize the full importance of the mining industry to its economy and the future welfare of Ontario by reinstituting the Ministry of Mines.

6.2 Recommendation:

That in order to advance the rate of mine exploration and development in the north of Ontario, the Ministry of Mines increase its geological and technical staff to undertake innovative research, mapping, geo-chemical testing, airborne geophysics and diamond drilling.

6.3 Recommendation:

That the Ministry of Mines continue to support research on rock bursts and rock mechanics in coordination with similar research underway in other countries to improve the ability to predict unsafe rock conditions in mines and enhance safe ore recovery in mining incompetent rock structures.

6.4 Recommendation:

That the Ministry of Mines review the appropriateness of existing taxes imposed on the mining industry and recommend reforms which would encourage greater exploration and development in Ontario.

6.5 Recommendation:

That any new mining reduction mill or expansions of existing mills must incorporate the latest proven pollution abatement technologies and techniques into the design of the milling process.

Tourism

7.1 Recommendation:

That the Ontario Government formally adopt the policy that tourism be regarded as the priority commercial activity in Ontario north of 50, particularly north of the 7th and 11th baselines.

7.2 Recommendation:

That the Government of Ontario, and specifically the Ministry of Natural Resources, affirm a policy giving priority rights to residents north of 50 in the development of tourism facilities north of the 7th and 11 baselines, with a provision that Indians have first right of refusal for such developments for a period of at least five years.

7.3 Recommendation:

That the Government of Ontario implement a policy so that, following operation for three years on land use permit, tourist operators north of 50 be permitted to apply for a land patent from MNR based on proof of the operator's commitment to his/her business and its financial viability for the future.

7.4 Recommendation:

That the Government of Ontario adopt a policy of Tourist Management Areas and Agreements similar to those used for the forest industry, to allow for a more organized progressive and co-operative approach to tourism development north of 50.

7.5 Recommendation:

That the Ministry of Natural Resources take immediate steps to recognize the diversity of northern tourism operations by dividing and treating Ontario north of the 7th and 11th baselines into at least two separate and distinct Tourist Management Areas.

7.6 Recommendation:

That experienced professional staff available to the Ministry of Natural Resources be employed in the development and management of all aspects of the TMA. It is important to ensure the TMA program is not pushed into an administrative "backwater" with inadequate professional resources.

7.7 Recommendation:

That public participation be treated as a vital component of any TMA decision-making process.

7.8 Recommendation:

That compensation be provided whenever private commercial tourism operations are adversely affected by other resource users.

7.9 Recommendation:

That responsibilities and obligations of private tourism developers as stipulated in land and water leases, permits, and agreements for the use of resources, be met.

7.10 Recommendation:

That a record of information be developed and maintained for each TMA to which the public will have ready access upon demand.

7.11 Recommendation:

That one or more regionally-organized North of 50 Tourism Associations be established as quickly as possible to serve northern tourism operators through a united voice directed at natural resource management policy, as well as to allocation and funding for various endeavours including area and regional planning studies.

7.12 Recommendation:

That the Government of Ontario encourage these tourism associations by providing financial support in the designing, testing, implementing and marketing of tourism activities.

7.13 Recommendation:

That the Ministries of Natural Resources, Northern Affairs and Tourism and Recreation co-ordinate input and decision making regarding tourism policies and programs.

7.14 Recommendation:

That the Ministry of Tourism and Recreation seek to establish better communication ties with federal ministries with the goal of eliminating duplication of tourism assistance programs in Ontario north of 50.

7.15 Recommendation:

That the Government of Ontario ensures the results of historic and archaeological research are transmitted to local residents at the earliest possible date and that artifacts are returned for display in the local area to the maximum degree consistent with their continued preservation.

7.16 Recommendation:

That the Government of Ontario begin an immediate and on-going assessment of the fisheries resource potential for the major lakes and rivers north of 50 with a view to allocating those resources on a sustained yield basis.

7.17 Recommendation:

That a provincial fish hatchery be established in the western portion of Ontario north of 50, preferably in the Ear Falls area where a modern community infrastructure is in place, to raise sport fish for restocking depleted lakes and to raise new sport species for introduction into other northern lakes.

7.18 Recommendation:

That the Government of Ontario direct an in-depth biological study north of the 50th parallel on the moose, white-tailed deer and woodland caribou population with particular attention to predators and hunting to determine measures necessary to increase the numbers of white-tailed deer, moose and woodland caribou.

Planning in the North

8.1 Recommendation:

That in any planning process in the north, Ministries and government agencies place a priority on two-way forms of public participation, particularly those which rely on dialogue between interest groups and individuals; that district and regional advisory committees be created with clear terms of reference and defined roles: and that native participation be encouraged and accommodated.

8.2 Recommendation:

That recommendations of all advisory groups (including the regional and district advisory committees and the existing Provincial Parks Council) be made public prior to Ministry or agency decisions.

8.3 Recommendation:

That the Ministry of Natural Resources continue and regularize its procedures for the dissemination of information, through, open house, mailings and public forums.

8.4 Recommendation:

That public participation procedures for planning processes be clearly outlined in a public document (e.g. for guidelines).

8.5 Recommendation:

That the Ministry of Natural Resources publish the land use guidelines for the West Patricia and Geraldton Districts and, when available, for Moosonee District, at the same time making clear that all such documents represent the views of the Ministry and have no official status as the basis for implementation decisions by the Ministry.

8.6 Recommendation:

Given that section 1(o) of the Environmental Assessment Act defines "undertaking" to include "...proposal, plan or program in respect of an enterprise..." and given the potentially significant environmental impacts of any enterprise involving resource development north of 50, that all proposals, plans and programs, including regional, district and management plans for use north of 50 (and all land use planning activities and regional, district, resource and forest management plans) be subject to the Environmental Assessment Act.

8.7 Recommendation:

That an active inter-ministry committee, involving the Ministry of Natural Resources and Ministry of the Environment, establish guidelines for the application of the Environmental Assessment Act to planning processes in the north; clearly defined procedures should be implemented for the assessment of plans. Alternatively, the Environmental Assessment Advisory Committee could undertake to develop guidelines or special procedures for the environmental assessment of proposals, plans and programs.

8.8 Recommendation:

That each Ministry and government agency involved in planning develop a single, specific legislative base, either by new legislation or by amendment to existing legislation for planning activities.

Resource-Dependent Communities

9.1 Recommendation:

That the Government of Ontario establish a special fund administered by a board of persons representative of the north; that the fund be used for medical, educational, cultural and recreational purposes in communities north of 50 at the discretion of this board; and that the fund be comprised for the first three years of 25 per cent of revenue collected by the Government of Ontario from mining and forest undertakings north of 50 in the form of underground mining taxes and stumpage fees and subsequently, such percentages as is fixed each year by the Provincial Cabinet.

9.2 Recommendation:

That the Ministry of North Affairs act as the coordinator and "one-stop" source of information and assistance for provincial and federal economic development programs, to include working closely with the Northern Development Authority to ensure maximum benefits to Northern residents.

9.3 Recommendation:

That the Ministry of Northern Affairs develop and maintain in each of their northern offices a current bank of data on the many Government and private sector agencies offering financial expertise and assistance in the establishment and financing of new enterprises.

APPENDICES

ORDER IN COUNCIL 1900/77

ORDER IN COUNCIL 2316/78

ORDER IN COUNCIL 3679/81

ORDERS IN COUNCIL

ORDER IN COUNCIL 1900/77

Copy of an Order-in-Council approved by His Honour the Administrator of the Government of the Province of Ontario, dated the 13th day of July, A.D. 1977.

The Committee of Council have had under consideration the report of the Honourable the Minister of the Environment, wherein he states that,

Recognizing that major enterprises and related technologies in that part of Ontario that is north or generally north of the 50th parallel of north latitude for the use of natural resources could have significant beneficial and adverse effects on the environment, as defined in Schedule A, for the people of Ontario and in particular those people of Ontario who live north of the 50th parallel.

Recognizing further that any such effects on the environment are hereby declared to be a matter of public concern,

Recognizing further that the purpose of the Environmental Assessment Act, 1975, is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment,

The Honourable the Minister of the Environment recommends that the Honourable Mr. Justice Patrick Hartt, a Justice of the Supreme Court of Ontario, be appointed a commission pursuant to the provisions of the Public Inquiries Act, 1971, effective the 13th day of July, 1977:

1. to inquire into any beneficial and adverse effects on the environment as defined in Schedule A, for the people of Ontario of any public or private enterprise, which, in the opinion of the commission, is a major enterprise north or generally north of the 50th parallel of north latitude, such as those related to harvesting, supply and use of timber resources, mining, milling, smelting, oil and gas extraction, hydro-electric development, nuclear power development, water-use, tourism and recreation, transportation, communications or pipelines;
2. to inquire into methods that should be used in the future to assess, evaluate and make decisions concerning the effects on the environment of such major enterprises;

3. to investigate the feasibility and desirability of alternative undertakings north or generally north of the 50th parallel of north latitude, for the benefit of the environment as defined in Schedule A;
4. to report and make such recommendations to the Minister of the Environment from time to time and as expeditiously as possible with respect to the subject matter of the inquiry as the commission deems necessary and desirable to carry out the purpose of the Environmental Assessment Act, 1975.

The Honourable the Minister of the Environment further recommends that

5. all the ministries, boards, agencies and committees of the Government of Ontario be directed to assist the commission to the fullest extent,
6. the commission be authorized to engage such counsel, research and other staff and technical advisers as it deems proper for the purpose of carrying out the commission at rates of remuneration and reimbursement to be approved by the Management Board of Cabinet;
7. the commission be authorized to distribute funds to such persons as in its discretion, having regard to the criteria in Schedule B, it deems advisable for the purpose of ensuring effective participation by the public in the inquiry.

The Committee of Council concur in the recommendation of the Honourable the Minister of the Environment and advise that the same be acted on.

Certified,

Deputy Clerk, Executive Council.

Schedule A

"Environment" means,

- (i) air, land or water,
- (ii) plant and animal life, including man
- (iii) the social, economic and cultural conditions that influence the life of man or a community,
- (iv) any building, structure, machine or other device or thing made by man,
- (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man,
or
- (vi) any part or combination of the foregoing and the interrelationships between any two or more of them,

in or of Ontario.

Schedule B

CRITERIA FOR FUNDING OR PARTICIPATION IN INQUIRY

These criteria are intended to assist the commission in distributing the available funds in the fairest possible way so as to ensure effective public participation in the inquiry.

1. Representation of Wide Range of Interest

The parties assisted should be representative of the various interests which are directly or indirectly affected by the matters subject to the inquiry. It may not be feasible or practicable to fund representatives of all or any groups to the extent they feel necessary or desirable.

2. Avoidance of Duplication

Consideration may be given to encouraging the coalescence of individuals or groups with similar interests. An incentive could be provided to groups or individuals who are willing to work together and combine their presentations for the inquiry.

3. Representation of Various Geographic Areas

Funding may be allocated to representatives of concerned groups or individuals who do not live or work immediately adjacent to the proposed development but who have substantial and direct interest in the subject matter of the inquiry.

4. Allocation of Limited Funds

Within the context of the above criteria, in determining which applications for funding should be accepted, the commission may give consideration to the following specific guidelines:

- the applicant for funding should be one who the commission is satisfied, has a direct and substantial interest in the subject-matter of the inquiry,
- it should be clear to the commission that separate and adequate representation of that interest will make a necessary and substantial contribution to the hearing,

- those seeking assistance should have an established record of concern for, and should have demonstrated their own commitment to, the interests they seek to represent,
- it should be shown to the satisfaction of the commission that those seeking assistance do not have sufficient financial resources to enable them to represent adequately that interest in the hearing under consideration, and will require the assistance to enable them to do so,
- those seeking assistance should have a clear proposal as to the use they intend to make of the funds, and should be willing to make a commitment to account for the funds.

5. Determination of Specific Requirements

In determining whether to provide assistance and the amount of assistance to provide, the commission may consider:

- the length of time required for preparation of the presentation,
- non-monetary subsidies or other monetary inputs available to the individual or group applying for assistance,
- the number of paid employees who will be participating in the preparation of the presentation,
- the number of people represented by the group.

ORDER IN COUNCIL 2316/78

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 2nd day of August, A.D. 1978.

The Committee of Council have had under consideration the report of the Honourable the Minister of the Environment, wherein he states that,

WHEREAS, pursuant to Order-in-Council numbered OC-1900/77 dated the 13th day of July A.D. 1977, Mr. Justice Patrick Hartt of the Supreme Court of Ontario was appointed a commission pursuant to The Public Inquiries Act, 1971, and directed to inquire into the beneficial and adverse effects of enterprises north or generally north of the 50th parallel of north latitude, to identify and evaluate alternatives thereto, and to carry out other duties; and

WHEREAS Mr. Justice Hartt in April of this year issued an interim report in which he made various recommendations, including recommendations as to the further conduct of the inquiries and investigations to be carried out by the commission;

The Honourable the Minister of the Environment therefore recommends that, pursuant to the provisions of the Public Inquiries Act, 1971, a Commission be issued to appoint Mr. J. Edwin J. Fahlgren of Cochenour, Ontario, in the place and stead of Mr. Justice Patrick Hartt, for the purpose of carrying out the inquiries, investigations and other duties set out in Order-in-Council numbered OC-1900/77, that the Commissioner receive remuneration and reimbursement at rates to be approved by Management Board of Cabinet, and that this appointment be effective on and after the 2nd day of August, 1978.

The Committee of Council concur in the recommendations of the Honourable the Minister of the Environment and advise that the same be acted on.

Certified,
Deputy Clerk, Executive Council.

ORDER-IN-COUNCIL 3679/81

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that,

the Order-in-Council numbered OC-1900/77 dated the 13th day of July, 1977 as amended by Order-in-Council numbered OC- 2316/78 dated the 2nd day of August, 1978, be further amended by adding the following paragraph:

"AND THAT effective from the 1st day of January, 1982, the Ministry of the Attorney General will be responsible for providing administrative support to the commission and will also be responsible for ensuring that the commission complete its activities within the constraints established by the Management Board of Cabinet Policy on the Administration of Royal Commissions".

Recommended by the Minister of the Environment

Concurred by the Chairman

Approved and Ordered December 23, 1981 by the Lieutenant Governor

MR. JUSTICE E.P. HARTT
RECOMMENDATIONS AND PROPOSALS FOR ACTION

INTERIM REPORT OF THE
ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT
APRIL 4, 1978

1. Onakawana Development Limited and the Ministry of the Environment should take immediate steps to discuss fully and openly the planned environmental assessment of the proposed lignite mine south of Moosonee with local and affected groups and that the company undertake to meet their concerns in its assessment.
2. A complete review and assessment of the West Patricia Planning process, in relation to other relevant programs of the Ontario government, and with special emphasis on the "Reed tract", should be carried out by the Commission, with the proposals of the Ministry of Natural Resources being considered as the focal point of the review.
3. A task force of northern residents should be appointed to investigate and recommend ways for the people of the north to become effectively involved in the making of decisions by government ministries and agencies that affect their lives and communities.
4. A committee should be formed, composed of ministerial-level representatives of the federal and Ontario governments and representatives of the Indian people. The committee would attempt to resolve, through negotiation, issues raised by its members, and in particular would address questions of devolution of authority to govern local affairs and access to resources for the Indian people. A small secretariat, acceptable to all parties, should be established to support the committee.
5. As its first priority, the committee should address the plight of the Indian communities of Whitedog and Grassy Narrows. Methods to ensure access to resources and viable community economics, along with related supportive programs should be considered jointly by the committee and the communities. To facilitate this, a mutually acceptable fact finder should be appointed to review and report on available information and options within 90 days.

6. The government of Ontario should not implement any new policy on wild rice which would weaken the Indians' position in this industry in the north. During the next five years, the Indians should be given the opportunity to develop a viable wild rice industry on their own. To foster this, no new licences to harvest rice should be granted to non-Indians during this period. The government should provide assistance, for example, by examining the influence of water control structures on the productivity of the harvests, by appropriate research into improved growing and harvesting methods, and by necessary training programs.

PUBLIC FUNDING PROGRAM

The Commission, throughout its lifespan, has provided financial assistance to groups and individuals to assist them in taking an active role in the inquiry. This program of Public Funding was initiated through the Commission's Order in Council 1900/77 which specifically authorized the Commissioner "...to distribute funds to such persons as in its discretion, having regard to the criteria in Schedule B (of the Order in Council) it deems advisable for the purpose of ensuring effective participation by the public in the inquiry."

Schedule B was intended to assist the commission in distributing the available funds in the fairest possible way so as to ensure effective public participation in the inquiry. It specified the following points:

"1. Representation of Wide Range of Interests

The parties assisted should be representatives of the various interests which are directly or indirectly affected by the matters subject to the inquiry. It may not be feasible or practicable to fund representatives of all or any groups to the extent they feel necessary or desirable.

2. Avoidance of Duplication

Consideration may be given to encouraging the coalescence of individuals or groups with similar interests. An incentive could be provided to groups or individuals who are willing to work together and combine their presentations for the inquiry.

3. Representation of Various Geographic Areas

Funding may be allocated to representatives of concerned groups or individuals who do not live or work immediately adjacent to the proposed development but who have a substantial and direct interest in the subject matter of the inquiry.

4. Allocation of Limited Funds

Within the context of the above criteria, in determining which applications for funding should be accepted, the commission may give consideration to the following specific guidelines:

- the applicant for funding should be one who the commission is satisfied, has a direct and substantial interest in the subject matter of the inquiry,
- it should be clear to the commission that separate and adequate representation of that interest will make a necessary and substantial contribution to the hearing,
- those seeking assistance should have an established record of concern for, and should have demonstrated their own commitment to, the interests they seek to represent.
- it should be shown to the satisfaction of the commission that those seeking assistance do not have sufficient financial resources to enable them to represent adequately that interest in the hearing under consideration, and will require the assistance to enable them to do so,
- those seeking assistance should have a clear proposal as to the use they intend to make of the funds, and should be willing to make a commitment to account for the funds."

Early Funding - Mr. Justice Hartt

During the period July, 1977 - August, 1978 under Mr. Justice Patrick Hartt, \$403,092 was awarded to and spent by groups and individuals to prepare for and participate in the Commission's inquiry. No formal application process was set into place to make these awards. Decisions were made internally by the Commission as each request for financial assistance was received.

The Table below details funding awarded during this early stage of the Commission's inquiry.

TABLE X-1

Funding Awards July 1977 - August 1978

<u>RECIPIENT</u>	<u>Amount Spent</u>
Grand Council Treaty #9	\$ 170,636
National Survival Institute	4,171
Grand Council Treaty #3	170,928
Mental Health Timmins	85
Northwestern Ontario Municipal Association	6,683
Tri Municipal Committee	47,323
Town of Sioux Lookout	1,266
James Bay Education Centre	2,000

Commissioner Fahlgren's Approach

Under Commissioner Fahlgren a more formal approach to the awarding of financial assistance was instituted.

The Commission established a Funding Advisory Committee to consider and make recommendations to the Commissioner on applications for funding during the 1978/1979/1980 period. The Committee was set up to ensure a fair and unbiased distribution of the funds available. The Committee members were selected from nominations made by active participants in the Commission's work and was composed of five northerners and one Commission staff member.

For the Funding Period September to November, 1982 (Phase IV), the Commission did not utilize the Funding Advisory Committee. During this period, an internal committee of staff members was set up to make recommendations to the Commissioner on each application.

Brochures explaining the Commission's formal Funding Program and application forms were prepared and widely distributed for each phase of funding. Timing, budgets and application limits for each phase were as follows:

Phase I

November 15, 1978 to March 31, 1978
Budget: \$125,000
Application limit: \$10,000

Phase II

September 10, 1979 to February 28, 1980
Budget: \$230,000
Application limit: \$10,000

Phase III

December 1, 1979 to February 29, 1980
Budget: \$40,000
Application limit: \$5,000

Phase IV

September 1, 1982 to November 10, 1982
Budget: \$350,000
Application limit: \$10,000

Applicants who were successful in having their request for financial assistance approved were required to sign a Letter of Agreement stating that the funds would only be used for the intended purpose in accordance with the approved budget, that proper accounting procedures would be met and that deadlines for completion of the project would be observed.

In all cases, an amount ranging from 10 to 25 per cent of the approved award was held back pending completion of the project and receipt by the Commission of a satisfactory financial accounting of the funds.

Program Assessment

Table II lists the recipients of financial assistance during the formalized funding program under Commissioner Fahlgren. The table indicated the recipients of the funding, the amount spent and whether the project was satisfactorily completed. The Commission can only confirm that the project was undertaken and completed and that the money spent and accounted for. No effort has been made on an individual basis to indicate whether the Commission believes that good value was received for the money. In some instances this would be impossible to evaluate as in the case of a project whose sole purpose was for community participation, issue awareness or local decision making. As for projects that required funding for research or for the preparation of submissions, the Commission is prepared only to indicate if the report or submission was received and the money satisfactorily accounted for. No specific evaluation on an individual basis will be made.

TABLE X-II

Phase I November 15, 1978 - March 31, 1979

<u>RECIPIENT</u>	<u>Amount Spent</u>
James Burr and William Napier (Waterloo)	\$ 1,265
Conservation Council of Ontario (Toronto)	3,235
James Bay Cree Society (Moose Factory)	4,575
William Moses (Timmins)	5,867
Moose Band Council (Moose Factory)	1,834
Northern Development Research Group (Toronto)	4,885

Northwestern Ontario International Women's Decade Coordinating Council (Thunder Bay)	\$ 8,752*
Osgoode Hall Law School, Public Interest Advocacy Centre (Toronto)	7,000
Ontario Metis and Non-Status Indian Association (Zone 3)	4,465
Pollution Probe Foundation (Toronto)	4,196
Town of Sioux Lookout (Sioux Lookout)	4,257
Thunder Bay and District Labour Council (Thunder Bay)	5,670
Bert Trapper (Moosonee)	1,492
Grand Council Treaty #3 (Kenora)	6,511
Winisk Band Council Advisory Board (Winisk)	4,637
White Dog Band (White Dog)	150*

* Project not completed or financial accounting not received.

Phase II September 10, 1979 - February 28, 1980

<u>RECIPIENT</u>	<u>Amount Spent</u>
Timiskaming Environmental Action Committee (Kenabek)	\$ 8,866
Northern Ontario Women's Conference Committee (Sudbury)	4,000
Noract (Hearst)	8,940
Michael Zudel (Timmins)	2,000
Gary Clark (Timmins)	2,160*
Energy Probe (Toronto)	7,399
Stanley Hunnisett (Big Trout Lake)	9,524
Northern Ontario Research & Development Institute (Hearst)	9,679
Conservation Council of Ontario (Toronto)	7,500
Canada Environmental Law Research Foundation (Toronto)	9,361
Pollution Probe (Toronto)	4,700
Northern Development Research Group (Toronto)	7,847
Canadian Paperworkers Union (Toronto)	4,528
Fort Albany Band (Fort Albany)	7,543*
Big Island Reserve #93 (Morson)	7,712*
Northwestern Ontario Prospectors Association (Thunder Bay)	1,653
Dr. Roger Suffling (Waterloo)	9,047
Ontario Metis & Non-Status Indian Association (Zone 2) (Thunder Bay)	990
Webequie Settlement Committee (Webequie)	6,795
Lake Nipigon Metis Association (Thunder Bay)	5,203
Native Education Advisory Council (Thunder Bay)	10,143

* Project not completed or financial accounting not received.

Phase III December 1, 1979 - February 28, 1980

<u>RECIPIENT</u>	<u>Amount Spent</u>
Transport 2000 Canada (Ottawa)	\$ 3,106
Jean Trudel (Hearst)	4,395
Wa Wa Ta Native Communications Society (Sioux Lookout)	3,645*
Bruce D. Ralph (Ignace)	4,142
Mark & Wendy MacMillan (Ignace)	2,924
Pollution Probe (Toronto)	5,325
Terry Graves (Charlton)	7,580
Long Dog Lake Community (Long Dog Lake)	1,776*
Association des Francophones du Nord-Ouest de l'Ontario (Thunder Bay)	4,237
Thunder Bay National Exhibition Centre (Thunder Bay)	4,935
Inter-Agency Coordinating Committee (Red Lake)	1,748
Fort Severn Band (Fort Severn)	7,299
Naganawit Corporation (Kenora)	350*

* Project not completed or financial accounting not received.

Phase IV September 1, 1982 - November 10, 1982

<u>RECIPIENT</u>	<u>Amount Spent</u>
Martin Falls Band (Ogoki Post)	\$ 5,120
Rocky Bay Indian Band (MacDiarmid)	9,353
Canadian Environmental Law Research Foundation (Toronto)	9,922
Conservation Council of Ontario (Toronto)	9,230
David Sewell (Timmins)	3,539
James Bay Tribal Council (Moose Factor)	11,641
Wildlands League (Toronto)	9,595
New Post Band #69 (Cochrane)	14,620
Moose Factory Band (Moose Factory)	5,649*
Fikret Berkes (St. Catharines)	800
Savant Lake Native Community (Savant Lake)	5,349
Brian McMillan/David Peerla (Thunder Bay)	5,716
Moosonee Metis and Non-Status Indian Association (Moosonee)	8,935*
Association Canadienne Francaise d'Ontario, Regionale de Timmins (Timmins)	10,070
Canadian Society of Environmental Biologists, Ontario Chapter (Toronto)	9,893

* Project not completed or financial accounting not received.

Parks for Tomorrow (Kakabeka Falls)	\$ 9,973
Former Chiefs Committee (Winisk)	4,086
Chief Thomas Fiddler/James Stevens (Sandy Lake & Thunder Bay)	8,834
Sidney Fels (Thunder Bay)	2,525
Armstrong Metis Association (Armstrong)	14,148
Economic Development Sub-Committee (Thunder Bay)	8,325
David Martin (Thunder Bay)	2,487
Attawapiskat Band Council (Attawapiskat)	15,110
Ontario Metis Association (Zone 1) (Sioux Lookout)	1,747*
Deer Lake Band (Deer Lake)	9,064
Armstrong Wilderness Outfitters Association (Armstrong)	1,450
Frontier College (Toronto)	3,350
Bearskin Lake Band (Bearskin Lake)	4,870*
Lake Nipigon Metis Association (Thunder Bay)	2,400
Muskrat Dam Band (Muskrat Dam)	8,800
Cochrane Tourist Outfitters Association (Cochrane)	10,024
Association of Canadian Universities for Northern Studies (Ottawa)	2,500
Development Education Centre (Toronto)	9,957
Sioux Lookout Trappers Council (Sioux Lookout)	6,297
Lac Seul Band (Lac Seul)	9,834
Northern Ontario Tourist Outfitters Association (North Bay)	10,000
Amikwlish (Geraldton)	3,396*
R.G. Brisson (Cochrane)	1,665*
North Caribou Lake Band (Weagamow Lake)	3,478*
Concerned Women's Group (Iroquois Falls)	6,806
Town of Iroquois Falls (Iroquois Falls)	5,454
Town of Sioux Lookout (Sioux Lookout)	1,250
Sioux Lookout Chamber of Commerce (Sioux Lookout)	300
Red Lake Chamber of Commerce (Red Lake)	5,053
Sachigo Lake Band (Sachigo Lake)	7,000
Martin Falls Band (Ogoki)	3,079
Naganawet (Kenora)	4,650
Noract (Hearst)	5,000
Reeve S. Leschuk (Ear Falls)	4,586

* Project not completed or financial accounting not received.

Under this program, 99 different awards of financial assistance were made totalling \$572,773, of which 15 recipients failed to either satisfactorily complete their project or submit a proper financial accounting.

Funding for Major Participants

The Commission realized that its formal programs for funding, with their relatively small application budget limits and short time frames, were not appropriate for those it considered to be potentially major participants in the inquiry. Accordingly, in addition to the formal programs, funding was made available to organizations with significant interests in the Commission's mandate.

The following major groups or organizations received funding from the Commission and spent the amounts indicated.

Kayahna Area Tribal Council	\$456,000
Fort Severn Band	58,364
Grand Council Treaty #9	297,397
Ontario Metis Association	65,642
Pehtabun Chiefs Tribal Council	93,148
Windigo Tribal Council	35,465
Central Tribal Council	20,535
Fort Hope Band	241,261

Travel to Hearings

The area covered by the Commission's mandate was extensive, with great distances between communities, and with travel difficult and costly.

For the Commission to hold hearings that were accessible to the public north of 50, there were basically two options: take the hearings to the people or bring the people to the hearings.

The time and expense required to take the hearings to the people of most communities, particularly the remote locations, could not in all conscience be contemplated. However, for the public to willingly participate in a more limited number of hearing locations would have required a commitment from the Commission to cover travel costs for participants to present oral versions of their written submissions. In some cases participants were required to appear if their submissions were funded by the Commission. Not all participants requested travel assistance but those who did were required to show a need that if such assistance was not available they would otherwise be unable to participate further. Those receiving travel assistance were required to submit documented claims and reimbursement was subject to the same guidelines and limits for travel expenses as those set down for employees of the Commission.

Cross-Examination at Formal Hearings

Funding was made available to parties granted standing at formal hearings to engage counsel, to research and to undertake cross-examination.

Those who were granted standing and who required funding for legal fees and/or travel are listed below.

<u>RECIPIENT</u>	<u>Amount Spent</u>
Kayahna Area Tribal Council	\$ 14,347
Red Lake District Chamber of Commerce	5,979
Deer Lake Band	5,226
Northern Ontario Tourist Outfitters	6,170
Summer Beaver Community	16,394
Sioux Lookout Trappers Council	945*

* Travel only



December 17, 1982

The Honourable William G. Davis, Q.C.
Premier of Ontario and
President of the Council
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Dear Mr. Premier:

Pursuant to Orders-in-Council 1900/77 and 2316/78, this letter sets forth my interim recommendation concerning the Ministry of Natural Resources' planning activities in Ontario north of 50°.

As you know, this Commission's mandate directs me to make recommendations concerning both the manner in which major development takes place in Ontario north of 50° and the means whereby decisions pertaining to such development are reached. In order to further clarify, define and limit the subject matter of my inquiry, I chose a course of action suggested by briefs submitted to Mr. Justice Patrick Hartt, the results of my own community visits and research program, and other public input. Accordingly, on July 5, 1982 I announced my intention to focus my inquiry primarily on those aspects of development entailing the allocation, use and management of natural resources and to accord particular emphasis to decision-making related to these aspects.

This Commission's interests in decision-making for the north rest centrally on the Ministry of Natural Resources' land use and resource management planning activities and on the application of the Environmental Assessment Act to these activities. These planning and assessment processes converge in an especially crucial and illuminating manner in West Patricia.

The West Patricia area exemplifies pressing issues confronting development of the Boreal Forest and Shield environments of the north. Many of these issues came to a head in the mid-1970's when Reed Paper Limited began to examine the prospects for establishing an integrated forest products complex in the Red Lake/Ear Falls area using timber from a tract of 19,000 square miles to the north. Public reaction to the harvesting proposal contributed to the creation of this Commission and gave impetus to the Ministry of Natural Resources' accelerated land use planning for West Patricia.

...2/

Letter to the Honourable W.G. Davis - Dec. 17/82 - 2

The Ministry of Natural Resources' planning and program-delivery activities have major potential to shape the future course of northern development by virtue of the Ministry's central role as custodian, manager and developer of Crown lands. Therefore, my final recommendations will be directed towards ensuring first, that northern development proceeds in a beneficial and orderly fashion, working in concert with and not at the expense of the environment, and second, that development decisions proceed through a rational and equitable process that embodies thorough analysis, provides for effective public involvement and evaluation of public input, and opens to the public an avenue of access to an accounting of how and why decisions are reached.

I find that important issues concerning both the substance of the land use plans and the decision-making process leading to their formulation have not been as fully and productively addressed as they should have been. I have reviewed the Ministry of Natural Resources' land use planning principles, the planning and public participation processes followed, and the nature of the evolving plans themselves, using as touchstones the Ministry's Guidelines for Land Use Planning and the Ministry of the Environment's General Guidelines for the Preparation of Environmental Assessments. My review led to identification of unresolved questions and concerns central to my mandate. I transmitted these to the Minister of Natural Resources in a letter dated November 24, 1982 and read them into public record at my hearing at Ear Falls on December 2, 1982. Moreover, the public has raised other important issues of substance and process in its written submissions and presentations at my hearings.

Furthermore, these submissions and presentations, together with my own review, have led me to identify several concerns having to do with the application of the Environmental Assessment Act to both the Ministry of Natural Resources' planning system and the resolution of major trade-off issues involving the allocation, use and management of resources in Ontario North of 50°. I am conveying these concerns today by letter to the Minister of the Environment.

On May 16, 1978 you stated in the Legislature that one of this Commission's future activities would be to review and assess the West Patricia planning process, using the Ministry of Natural Resources' proposals as the focal point. You further said: "I support the concept that northern residents should be more directly involved in the decision-making process of government". The Minister of Natural Resources, in his written submission to me dated December 2, 1982, confirmed that he is awaiting direction from the Royal Commission on the Northern Environment but will not accept "public input" on the West Patricia land use plan after December 31, 1982.

...3/

Letter to The Honourable W.G. Davis - Dec. 17/82 - 3

My advice to the Minister of Natural Resources will take the form of findings and recommendations arising from my inquiry. My inquiry into the Ministry's planning and decision-making in the north, which obviously includes the adequacy of "public input" and related procedures, cannot possibly lead to findings and recommendations until I have had the opportunity to review further submissions made to me. I have established March 31, 1983 as my current deadline for submissions and expect to be in a position to advise the Minister no later than June 30, 1983.

In order to secure information essential to the effective discharge of my mandate, I have required:

- 1) that the Minister of Natural Resources or his senior staff respond fully in writing before December 31, 1982 to the questions and concerns read into the public record at my hearings on December 2, 1982;
- 2) that the Minister of Natural Resources or his senior staff appear before me, either at hearings now scheduled or at subsequent hearings to be scheduled for our mutual convenience, to present an oral summary of such written responses, and to respond at such time to questions which the Commission may then have;
- 3) that the Minister of Natural Resources or his senior staff continue to provide information in writing for purposes of clarification as I may request during and following my hearings and in general continue to cooperate with my staff in this regard; and
- 4) that the Minister of the Environment or his senior staff respond in writing at the earliest possible time to the concerns transmitted to the Minister in my letter of December 17, 1982 and appear before me at hearings on mutually convenient dates.

Given my terms of reference, your recognition of land use planning as a focal point of my inquiry, the Minister of Natural Resources' own tight schedule for completion of the district land use plans across the north, and the above four requirements, I hereby recommend:

...4/

Letter to the Honourable W.G. Davis - Dec. 17/82 - 4

that all land use planning processes affecting Ontario north of 50° latitude be deferred and not terminated or closed in any way, and that the product of the Ministry of Natural Resources' planning activities -- land use plans -- not be finalized until my findings and recommendations are released in the form of a public report and have been considered by your Government.

I regard your response to this recommendation as a matter of the utmost urgency for the satisfactory completion of my inquiry.

Yours very truly,

J.E.J. Fahlgren
Commissioner

December 17, 1982

Honourable Alan W. Pope
Minister of Natural Resources
Room 6323, Whitney Block
99 Wellesley Street West
Toronto, Ontario
M7A 1W3

Dear Mr. Pope:

Today I delivered my interim recommendation concerning the Ministry of Natural Resources' planning activities in Ontario north of 50° to the Honourable William G. Davis, Premier of Ontario. This recommendation reads as follows:

"that all land use planning processes affecting Ontario north of 50° latitude be deferred and not terminated or closed in any way, and that the product of the Ministry of Natural Resources' planning activities -- land use plans -- not be finalized until my findings and recommendations are released in the form of a public report and have been considered by your Government."

In my letter to the Premier, a copy of which is enclosed, I set forth certain required actions that would support this recommendation and thus enable me to discharge my mandate effectively. The particular requirements that call for your response read as follows:

- "1) that the Minister of Natural Resources or his senior staff respond fully in writing before December 31, 1982 to the questions and concerns read into the public record at my hearings on December 2, 1982;"
- "2) that the Minister of Natural Resources or his senior staff appear before me, either at hearings now scheduled or at subsequent hearings to be scheduled for our mutual convenience, to present an oral summary of such written responses, and to respond at such time to questions which the Commission may then have;"
- "3) that the Minister of Natural Resources or his senior staff continue to provide information in writing for purposes of clarification as I may request during and following my hearings and in general continue to co-operate with my research staff in this regard...."

December 17, 1982

Page 2

I regard your response to these requirements as a matter of the utmost urgency, given my need to conclude my inquiry as quickly as possible and your own desire to expedite completion, internal approval and release of the district land use plans. My Director of Research and my Counsel will be pleased to explain and elaborate on these concerns to members of your staff and to discuss with them the nature, timing and format of your written submissions and presentations at my public hearings.

Yours very truly,

J. E. J. Fahlgren
Commissioner

Encl.

December 17, 1982

Honourable Keith C. Norton
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Norton:

Today I delivered my interim recommendation concerning the Ministry of Natural Resources' planning activities in Ontario north of 50° to the Honourable William G. Davis, Premier of Ontario. This recommendation reads as follows:

"that all land use planning processes affecting Ontario north of 50° latitude be deferred and not terminated or closed in any way, and that the product of the Ministry of Natural Resources' planning activities -- land use plans -- not be finalized until my findings and recommendations are released in the form of a public report and have been considered by your Government."

In my letter to the Premier, a copy of which is enclosed, I set forth certain required actions that would support this recommendation and thus enable me to discharge my mandate effectively. The purpose of this letter to you is to clarify the particular requirement that calls for your response. This reads as follows:

"1) that the Minister of the Environment or his senior staff respond fully in writing at the earliest possible time to the concerns transmitted to the Minister in my letter of December 17, 1982 and appear before me at hearings on mutually convenient dates."

As you know, my mandate requires me to find ways of ensuring that major development in Ontario North of 50° takes place in an orderly and beneficial manner and to seek improvements in the procedures followed to reach decisions on such development. This Commission's interests in decision-making for the north focus on the environmental assessment process stemming from the Environmental Assessment Act and the land use and resource planning activities of the Ministry of Natural Resources. These processes converge in that Ministry's district land use planning across the north and in a particularly crucial and illuminating manner in West Patricia, an area which exemplifies many of the main issues confronting northern development.

December 17, 1982

Page 2

The Ministry of Natural Resources' planning and program-delivery activities have major potential to shape the future course of northern development by virtue of the Ministry's role as custodian, manager and developer of Crown lands. Land use planning by the Ministry generates a framework of objectives, operational strategies and targets that give direction to the subsequent formulation and eventual implementation of resource management plans. For these reasons, my program accords a central place to an evaluation of the principles, research methodology, public consultation approach, and products of the Ministry's land use planning.

The Environmental Assessment Act appears to establish a consistent and logical process embodying good planning principles that, when applied, could play a crucially important role in balancing the legitimate interests of development and environmental protection. My findings to date suggest that these principles could be fruitfully applied in the case of the Ministry of Natural Resources' district planning. Moreover, there are good reasons to regard the Ministry's planning activities as provincial government undertakings subject to the Act.

I expect that your Ministry's written submissions to me and oral presentations at my hearings will clarify your views on the status and treatment of these activities under the Environmental Assessment Act. Further, I expect that your submissions and presentations will respond to the following additional areas of concern, some arising from earlier submissions and my internal review of land use planning and others stemming from my research on the Detour Lake road and Onakawana undertakings.

Applicability of class and individual environmental assessment approaches to MNR's land use and resource management planning subsystems; appropriate points of application in the planning system.

Status and intended treatment of the West Patricia plan and other district land use plans under the Environmental Assessment Act.

- MOE's view of the land use plans: implementable or conceptual/inventorial?
- consultation between MNR and MOE at ministerial and staff levels regarding status, format and content of MNR's environmental assessment for West Patricia;
- schedule of submission of West Patricia environmental assessment to MOE;
- status of an MNR-approved land use plan pending approval under the Environmental Assessment Act.

December 17, 1982

Page 3

Compatibility of land use planning and environmental assessment processes with special reference to West Patricia and with respect to:

- identification and comparative evaluation of alternatives to and alternative methods of carrying out the undertaking;
- determination of social, economic and natural environmental impacts, and associated costs and benefits, of alternatives including the preferred alternative;
- management and mitigation measures and their feasibility.

MOE's views on MNR's process for weighting, analyzing and evaluating public and research input and for incorporating it in the final land use plans.

MOE's views on the applicability of the Environmental Assessment Act towards resolution of conflicting views on resource allocation and management, including issues of cross-impact between such sectors as parks and timber harvesting.

Status and intended treatment of MNR's forest management planning under the Act.

- applicability of class and individual environmental assessment approaches;
- MOE comments on draft class environmental assessment;
- status of the exemption; prospects for extension.

Status and intended treatment of access road planning and other resource management planning under the Act.

Criteria for exemptions;

Extension of the Act to private undertakings;

Internal evaluation of the Act and the environmental assessment process;

Status and functions of the Environmental Assessment Advisory Committee.

December 17, 1982

Page 4

My findings to date indicate that the Environmental Assessment Act has the potential to provide a rational, accessible process of environmental decision-making and a clear pattern of accountability to the public for the decisions reached. My final recommendations will be directed in part towards ensuring that this potential is attained in the case of land use and resource management planning and other major undertakings across Ontario North of 50°.

I now require your Ministry's position on the concerns outlined here and others that will undoubtedly be raised as my hearings and research progress. I regard this as a matter of the utmost urgency, given my need to conclude my own inquiry as quickly as possible and the Minister of Natural Resources' desire to expedite completion, internal approval and release of the district land use plans.

My Director of Research and my Counsel will be pleased to explain and elaborate on these concerns to members of your staff and to discuss with them the nature, timing, and format of your written responses and presentations at my public hearings.

Yours very truly,

J. E. J. Fahlgren
Commissioner

Encl.

March 24, 1983

Honourable Keith Norton, Minister
Ministry of the Environment
135 St. Clair Avenue West, 14th Floor
Toronto, Ontario
M4V 1P5

Dear Mr. Norton:

Thank you for your letter of February 1, 1983 in which you clarified your position on the Ministry of Natural Resources' land use planning and commented briefly on major concerns raised earlier by me.

In his letter to me of January 18, 1983, the Minister of Natural Resources established a legalistic and technical rationale for a position that the Environmental Assessment Act should not apply to the land use plans. This rationale, and now your apparent acceptance of it, gives rise to fundamental questions about the true nature, intent, status, substance, and implications of his Ministry's planning, about the appropriate locus of decision-making related to resource allocation, management and protection, about the effective injection of the Act's principles into the Ministry's decision-making and planning processes, and about the continuing credibility of the Act itself. These matters are the direct and central consequence to me, in the discharge of my mandate, and I would presume to you, as Minister responsible for the Act and its promotion and implementation.

I want to comment on two salient aspects of the Minister of Natural Resources' remarks on planning and decision-making prerogatives of individual Cabinet ministers and Cabinet, while downplaying the status of land use planning and its significance as a framework for consistent decision-making. Second, they omit any reference, let alone any commitment, to the Environmental Assessment Act as an appropriate statutory basis for enlightened decision-making with respect to the allocation, use, management and protection of lands and waters.

The Minister advances three arguments in support of a case that land use planning is a process something apart from decision-making: first, that the plans are merely guidelines lacking official policy substance; second, that they are intended primarily for internal, program coordinating purposes; and third, that they do not embody legal commitments to allocate or manage natural resources in any explicit manner. I wish to comment on each of these arguments in turn.

...2/

March 24, 1983

Page 2

The Minister backs up his assertion that the plans are merely guidelines on the grounds that they are "capability inventories" and that land use planning is a process distinct from decision-making. To me, this seems unsupportable. Inventory and capability are technical terms having explicit meanings that have been widely accepted by professionals in resource planning. An inventory can be defined simply as a "stocktaking of natural resources", capability as the "natural ability of an area of provide continuous opportunity for benefits under an assumed level of management". The Phase I or Background Information phase clearly represents the capability inventory stage in the Ministry of Natural Resources' land use planning process and the foundation against which specific resource "policies and targets will be tested, optional plans developed, and a final plan produced". The treatment accorded to policies, objectives, targets and strategies in the Ministry's Phase II documents demonstrates that the final plans will reach far beyond what is encompassed by the terms inventory and capability.

To dismiss the land use plans as "guidelines" or statements of "hypothetical intent" would be highly inconsistent with the Ministry of Natural Resources' stated positions on planning, the scope of the plan documents, and the decade of effort and millions of dollars spent on land use planning. The Ministry defines a land use plan as a "document which indicates how the Ministry plans to use Crown land ... and intends to influence the use of private land in achieving its objectives". Definitions in strategic land use plans already approved affirm that planning "culminates in a commitment" and that a plan "displays a decision". More to the point is the substance of the plans themselves. Judging from the Phase II documents, the approved land use plans will constitute an explicit statement of the Ministry's sectoral policies, articulated in the form of allocation and protection objectives and quantified targets for districts and component zones together with the general strategies for attaining them.

The Minister's second argument has to do with program coordination functions largely internal to the Ministry. The Ministry of Natural Resources has stated that the purpose of a land use plan is "to coordinate the various Ministry programs, concerning the use of land, so that conflicts and inefficiencies are avoided and all objectives are met". The Minister's letter reinforces this by emphasizing that the plans are for purposes of "ensuring general conformity of the Ministry's disposition activities with other Ministries and other Ministry of Natural Resources program activities and responsibilities". You lend your own support when you note that the Environmental Assessment Act "cannot replace the normal responsibilities of government ministries to develop policies and plan and manage programs".

...3/

March 24, 1983

Page 3

While the Ministry of Natural Resources' application of land use planning as a tool for program coordination is eminently appropriate, the impacts of the plan implementation activities will obviously extend far beyond mere good internal housekeeping. In the case of Ontario North of 50°, the Ministry's planning and program-delivery activities have major potential to shape the future course of development by virtue of the Ministry's crucial roles as custodian, manager and developer of Crown lands. My Commission's concerns rest primarily on the adequacy of the plans and on their real-world consequences.

In developing his third argument, that the land use plans do not embody direct legal commitments to allocate or manage resources in any explicit manner, the Minister draws my attention to a major distinction between the land use planning process applied by public servants and the "decision or resource allocation process" culminating in decisions at the Cabinet level. Is this a legalistic attempt to distance program implementation as far as possible from plan formulation? If so, it raises a spectre of arbitrary decision-making taking place outside the gambit of any formal planning or assessment process. That government bears the final authority, responsibility and accountability for decision-making cannot be disputed. I agree that approved plans must not be regarded as etched in stone. Undoubtedly, circumstances may sometimes necessitate that plans be overridden by a decision at the Cabinet level or altered through the ongoing review and revision mechanisms built into the land use planning process. Nevertheless, I am required, in the discharge of my mandate, to gain the fullest possible understanding of decision-making whether it takes place as the result of a formal planning or assessment process or independently.

Accordingly, I am asking the Minister to further define the "decision or resource allocation process" that he highlights, to let me know his intentions for its applications, and to indicate whether he would be giving the final district land use plans his official approval.

Moreover, while a land use plan may not legally commit natural resources to "project-specific end-uses", the Minister's approval of a plan surely signifies that it can be accepted as an authentic, consistent and potent statement of his Ministry's priorities and intents for allocating, using and protecting natural resources and for resolving sectoral tradeoff issues arising from conflicting demands on a finite resource base. Approval surely signifies that the integrity of the plan is to be safeguarded — to the extent that external circumstances and political realities permit — from frequent non-confirming changes to its fundamental objectives, thrust and balance. Finally, approval must be construed to be a

...4/

March 24, 1983

Page 4

directive for major policy decisions on projects and resource allocations, for later resource management planning, and for operational activities by administrators as well as a very strong signal of government's intentions to interest groups and potential private investors. To assert otherwise would assign to the plans an equivocal status that would enable them to be either adhered to or ignored as a basis for reaching decisions, as expedient.

Land use planning and resource management planning are two of the five subsystems of the Ministry of Natural Resources' corporate planning system. You are now confronting the problem of determining the point or points at which the Environmental Assessment Act can be most appropriately applied in the continuum of planning and decision-making activities that these two subsystems embody. Two prerequisites exist for the effective application of the Act in this case: a commitment to the underlying principles of the Act and a phased strategy for applying the Act to the planning system.

While I agree with your statement that environmental assessment is "a process which contributes to and complements planning but does not replace it", I cannot see how this potential contribution can be attained if the Act is not even applied to the land use planning. Two main points bear amplification here. The first has to do with the crucial importance of applying the Act at that point in the planning system where policies are articulated, sectoral and spatial priorities are set, and tradeoff positions are established, and hence where the factors that will have a major environmental impact are determined. The full range of policies, priorities and tradeoffs is arrayed comprehensively only at the land use planning stage, and not at later stages in the system. The land use plans thus constitute the primary framework for the Ministry of Natural Resources' decision-making, whether it takes place at the Minister's level, at senior staff levels, or through a multitude of compatible operational decision and implementation actions at the administrative level in the field. To apply the Act consistently to these individual decisions — rather than to the framework itself — would be a monumental task. Moreover, I doubt that the substance of a land use plan can be expressed or its integrity and coherence adequately defined in terms of the individual projects and implementation actions stemming from it.

The second point has to do with the adequacy of the land use plans themselves as a basis for decision-making. The Ministry of Natural Resources has established a logical and coherent set of planning principles and a general planning process which meet its own needs for coordinated programming and program delivery. These principles and process conform only in part to external criteria for good planning, such as those stemming from the Environmental

...5/

March 24, 1983

Page 5

Assessment Act. A comparison of the land use planning and environmental assessment processes reveals major problems of comparability which can be amply illustrated by reference to the Phase II district plan documents for the north. The former process does not lead readily to the generation of alternative planning models, objectives, targets or operational strategies, which the latter calls for a progressive narrowing down of the possible alternatives to the plan undertaking before selecting the alternative recommended. The Phase II documents appear to provide too narrow an array of options to serve as a focus for adequate public response. Nor were environmental assessment principles calling for the comparative evaluation of alternative plans in social, economic and natural environmental terms effectively implemented in the case of the northern district plan documents.

My concern about the application of the Environmental Assessment Act to the land use planning thus rests on pragmatic rather than hypothetical grounds. The principles embedded in the Act are eminently relevant to the planning and their effective injection into the planning process would have led to better plans that could be relied upon as a basis for informed decisions. On the other hand, applications of the Act would undoubtedly have precluded early completion and approval of the plans.

It appears to me that the Ministry of Natural Resources' Planning system and decision process could escape effective scrutiny under the Environmental Assessment Act. Such an outcome could have serious adverse consequences for northern development and would erode the credibility of the Act and its underpinning principles. Deferral of environmental assessment to some later stage in the Ministry's planning and decision process would surely complicate, fragment and proliferate application of the Act. Your strategy for applying the Act will obviously have to encompass consistently the variety of ways by which consequential decisions are made respecting the allocation, use and management of natural resources. Some major projects may be initiated and allocation decisions reached at Cabinet level with or without reference to an approved land use plan, while others may be deferred until after a later resource management planning stage. A host of both major and routine decisions will be made by administrative officers in the regions and districts or by program executives at head office in conformity to a Minister's directive or an approved land use plan; the cumulative impact of this kind of decision-making can be very great.

Surely, the credibility of the Environmental Assessment Act requires that it be applied consistently in the process culminating in decisions to undertake a major project or to allocate natural resources on a consequential scale. The intent of the Act is that such decisions should flow from a narrowing down process

...6/

March 24, 1983

Page 6

that considers alternatives to an undertaking as well as alternative methods of carrying out an undertaking. This means to me that the Ministry of Natural Resources' array of policies, priorities, and tradeoff position should come under comprehensive scrutiny before a decision to proceed with a major project or allocation can be reached.

Your comments and the Minister's on planning and decision-making bring into question the degree of government commitment to comprehensive planning for northern development. The Minister's stance on the land use plans appears to signal a further withdrawal from comprehensive prospective planning at the provincial and large regional scales. Your own assertion that prudent and pragmatic administration of the Environmental Assessment Act should focus on the significant impacts of concrete proposals already formulated or nearly so appears to reinforce this trend; it is not in accord with statements in your Ministry's Guidelines to the effect that environmental assessment embodies comparative evaluation of the social, economic and natural environmental consequences of alternatives to an undertaking as a prelude to the selection of the preferred alternative. Abandonment of environmental assessment as a process for project selection and justification would undercut a fundamental principle of the Act itself, reducing it to little more than an impact assessment procedure to be applied after irrevocable decisions have been made. Surely, where it is deficient, the Environmental Assessment Act should be strengthened, not weakened.

I am not at all certain that the class environmental assessment approach should be regarded as a panacea for reducing potentially proliferating individual environmental assessments to a manageable number in the case of Ontario north of 50°. A class environmental assessment covers a group of projects which are "relatively small in scale, recur frequently, and have a generally predictable range of effects which ... are likely to cause relatively minor effects in most cases". Projects that might be considered minor in scale and impact elsewhere can have a devastating impact on the fragile natural environments and social structures in the remote north; for these, the class environmental assessment approach may simply be too blunt an instrument.

I will soon be drawing my conclusions and making my recommendations on the application of the Environmental Assessment Act to the Ministry of Natural Resources' planning system and on other matters respecting the Act. I want to ensure that all viewpoints on the issues raised in this letter are brought to bear on this task and therefore invite your comments in response.

...7/

March 24, 1983

Page 7

In addition, I now seek written clarification of your own position and intents on several specific matters. I have raised a number of technical and tactical problems having to do with the application of the Environmental Assessment Act to the planning system, and I have pointed out some of the opportunities that will be foregone if the Act is not applied to the land use plans. In view of these concerns, can you provide additional reasons for the decision that you have taken?

I have summarized some of the evident complexities that will likely arise when applying the Act to the planning system. Does the Ministry of the Environment have a comprehensive strategy for applying the Act to the various products of the Ministry of Natural Resources' planning system and to the various kinds of decisions made at different levels within that Ministry with respect to the allocation, use, management and protection of natural resources? If so, what are its components? What are the most important points at which the Act will be applied to the planning system? To what extent do you intend to use individual environmental assessment and class environmental assessment approaches in the evaluation of projects and allocations relevant to the Ministry's land disposition and programming activities in Ontario North of 50°? At which stages do you consider that environmental assessment can best contribute to and complement planning? In what ways could it contribute?

I have raised some concerns about the environmental assessment process stemming from the Act, in particular those prospective provisions that call for identification and comparative evaluation of alternatives to an undertaking as well as alternative methods of carrying out an undertaking before a decision is reached to proceed with the undertaking. Do you intend to retain these prospective provisions in the Act and to continue to implement them? If so, how would you apply them to the Ministry of Natural Resources' planning system? To what extent would application of these provisions to a major allocation decision require full scrutiny of the Ministry's array of policies, priorities, objectives and tradeoff positions respecting the use and management of resources? In the event that several such allocation decisions were to be reached over a period of time, how could consistency in the scrutiny of policies, priorities, objectives and tradeoff positions be secured and comparability between projects be assured?

I was pleased to learn, at my meeting in Thunder Bay on March 22nd, that Mr. David Redgrave, Assistant Deputy Minister with your Environmental Planning Division, will be representing your Ministry during the next round of my public hearings. I trust that my remarks will assist him in preparing for this assignment.

...8/

March 24, 1983

Page 8

Thank you for your willingness to assist me in the conduct of my inquiry.

Yours very truly,

J. E. J. Fahlgren
Commissioner

cc: Honourable W. G. Davis
Honourable A. W. Pope
Honourable R. R. McMurtry

**PRESENTATIONS MADE TO
THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT
NOVEMBER 1977 TO SEPTEMBER 23, 1983**

Sioux Lookout - November 7, 1977

- Town of Sioux Lookout, John E. Parry
- Lac Seul Band, Chief R. Ningewance
- Ministry of Northern Affairs, Honourable Leo Bernier
- Grand Council Treaty #9, Wilbert Jones
- Tom Fiddler
- Grand Council Treaty #9, Chief A. Rickard, President
- Grand Council Treaty #9, Wally McKay, Vice-President
- Grand Council Treaty #9, Chief C. O'Keese, Vice-President
- Northwestern Associated Chambers of Commerce,
Arnold Beebe, President
- Walter Thompson
- Wilfred Wingenroth
- Ben Garrett
- Mrs. F. Woolner
- Laura Switzer

Sioux Lookout - November 8, 1977

- Ontario Forest Industries Association, Bob Laughlin
- The Great Lakes Paper Company, Warren S. Moore
- National and Provincial Parks Association of Canada, David Bates
- Children's Aid Society of the District of Kenora, John Parry
- Family and Children's Services of the District of Kenora,
Joyce Timpson
- Man-O-Min Wild Rice Co-operative, Jim Windigo
- Slate Falls Airways, Glen Clarke
- Wesley Houston
- York University, Faculty of Environmental Studies,
Joe De Pencier and Sue Farkas
- Archdeacon Kaye, Anglican Rector, Sioux Lookout
- Health and Welfare Canada, Sioux Lookout Zone Hospital,
Dr. G. Goldthorpe
- Ministry of Natural Resources, L. Ringham, Assistant Deputy
Minister and R.J. Bugar, Director,
Land Use Co-ordination Branch
- Armstrong Metis Association, Hector King
- Linda Pelton
- Tom Terry
- Ernie Farlinger
- Patricia Air Transport Limited, R.J. Burnett,
Secretary-Treasurer
- Brotherhood of Locomotive Engineers, Bill Coughlin, Chairman
- Brian Anderson
- Cathy Love
- Sioux Lookout Community Centre Board, Howard B. Lockhart
- Daily Bulletin, Stuart Cummings, Publisher

- Robert E. Bell
- Scott Landis
- Ruth Ingram
- Ifka Filipovich
- Helen Acton
- Michael Quince
- Mary Davies

Dryden - November 9, 1977

- The Dryden Observer, Alex Wilson, Publisher
- Town of Dryden, G. Rowat, Mayor
- Dryden Chamber of Commerce, Patrick Skillen, President
- Northern Ontario District Council of Lumber and Sawmill Workers Union, T. Mior
- Kenora District Camp Owners Association, Leo Colvin, President
- Grand Council Treaty #3, John Kelly, Grand Chief, and Willie Wilson - Anti-Mercury Ojibway Group [A-MOG], Chief Roy McDonald and Chief Simon Fobister
- Northwest Ontario Travel Association, Allan Hovi, General Manager
- Canadian Paperworkers Union, Local 105, A.G. Johnson
- Ministry of Agriculture and Food, Elmer Lick
- Ontario Public School Men Teachers Federation, Dryden District, J.R. Livingston, President - Christopher Thomas
- Ralph Sullivan

Red Lake - November 14, 1977

- Tri-Municipal Committee of the Towns of Balmertown, Ear Falls and Red Lake, Stanley Leschuk, Chairman
- Ontario-Minnesota Pulp and Paper Company Limited, James Williams, President
- Reed Limited, Kenneth D. Greaves, Senior Vice-President
- Cathy Morgan
- Vince Keller
- Doreen Heinrichs and Dana Robbins
- Canadian Paperworkers Union, Thomas Curley, Vice-President
- Madsen Community Association, David Symondson
- Doug Miranda
- Walter Papiel
- Ministry of the Environment, Walter Giles, Assistant Deputy Minister
- Red Lake Businessmen's Association, K. McLeod
- Red Lake District Camp Owner's Association, Hugh Carlson
- The Red Lake Inter Agency Co-ordinating Committee, Cathy Wilson
- Helen Garrett
- Health Committee for Senior Citizens, Nellie Lemon

Red Lake - November 15, 1977

- Campbell Red Lake Mines Limited, Al Ludwig, General Superintendent
- Cochenour Willans Gold Mines Limited, J.E.J. Fahlgren, President and General Manager
- Pikangikum Band, Chief Ben Quill

- Taking Responsible Environmental and Economic Safeguards [T.R.E.E.S.], Jean Evans and Ron Robinson
- Association of Professional Engineers, Lake of the Woods Chapter, Duncan Wilson
- Green Airways, George Green
- Griffith Mine, John D. Jeffries, Manager
- Red Lake Businessmen's Association, David Meadows
- James C. Seeley
- Tom Faess
- Ormond Sharpe
- Fiona and Terry Robinson
- Hugh Carlson

Ear Falls - November 16, 1977

- Tri-Municipal Committee, Stan Leschuk, Reeve, Township of Ear Falls; D'Arcy Halligan, Secretary, Tri-Municipal Committee; and Mrs. Carol Butterfield, Deputy Reeve, Red Lake
- Ear Falls and Perrault Falls Chamber of Commerce, Bob Ahlers
- Ministry of Natural Resources, R. Riley and Peter Anderson
- Frederick Bergman
- Ontario Professional Foresters Association, John Blair
- Ministry of Correctional Services, Fred Boden and Eric Huddleston
- Delia and Alex Rosenthal
- Dr. H.C. Maynard
- Red Lake Board of Education, Wayne Seller
- Ear Falls Metis and Non-Status Indian Association, Cheryl Smith

Timmins - November 23, 1977

- Timmins, City of, Economic Advisory Board, M. Doody, Mayor
- Ministry of Treasury, Economics and Intergovernmental Affairs, D. Stevenson
- Town of Kapuskasing, Maurice Deschamps
- Ontario Paper Company Limited, J. Simmons, Vice-President
- Timmins-Porcupine Chamber of Commerce, John Huggins
- Canadian Association in Support of the Native Peoples, Ann Marshall - Unorganized Communities of Northeastern Ontario, Gerard Violette
- Douglas Pimlott
- Ministry of Agriculture and Food, N. Tarleton and G. D'Aoust
- Onakawana Development Limited, Olaff Wolff, Vice-President
- Project North, Karmel Taylor-McCullum
- Ontario New Democratic Party Caucus, Jim Foulds, MPP, and Marion Bryden, MPP
- Ontario Mining Association, J.M. Hughes, Executive Director, and J. Ridout, Assistant Executive Director
- Northern Ontario Heritage Party, Ed Deibel
- Canadian Wildlife Service, Bruce Switzer
- Ontario Federation of Anglers and Hunters, Brad Sloan
- Northern College of Applied Arts and Technology, J.H. Drysdale, President
- Cochrane Temiskaming Working Group for the Developmentally Handicapped, J.H. Drysdale

Timmins - November 24, 1977

- Canadian Environmental Law Association, Paul Gavrel
- Grand Council Treaty #9, Chief A. Rickard, President
- Dr. John Spence
- Brunswick House Band, Chief Fred Neshawabin
- Mattagami Junior Band Council, Barbara Naveau
- Mattagami Band, Chief Willis McKay
- Mattachewan Band, Chief George Baptiste
- Michael Patrick
- Stanley Smith
- Cochrane Board of Trade, Talson Rody
- Ontario Northland Transportation Commission, George Payne
- Ministry of Revenue, Mr. O'Dowd and G. Picard
- Town of Cochrane, Maurice Hotte, Mayor
- Spruce Falls Power and Paper Company Limited, George Ingram
- Prospectors and Developers Association of Ontario, R. Allersten
- Garden River Band, Chief R. Boissoneau
- Ontario Trappers Association, A.J. Lalonde
- Ontario Hydro, John Dobson, Vern Coles and Al Rogers
- Ontario Abitibi Band, Chief Jim Diamond
- Grand Council Treaty #9, Gilbert Faries

Geraldton - November 28, 1977

- Ministry of Transportation and Communications, J.C. Sherwood
- Polar Gas Project, Bruce MacOdum
- Geraldton Composite High School, A.J. Korkola, Principal
- Union of Ontario Indians, D. Riley, President
- Father Brian Tiffin
- George Marek
- York University, Polar Gas Case Study Group, Greg Thompson and Jan MacPherson
- Ontario Native Women's Association, Marlene Pierre, President
- Town of Geraldton, M. Power, Mayor
- College de Hearst, Raymond Tremblay, Director
- Nordinord and Boreal, Gilbert Heroux
- Fort Hope Band, Chief Charlie OKeese
- Long Lac Band, Chief Gabriel Echum
- Constance Lake Band, Chief Bentley Cheechoo
- Martin Falls Band, Chief Eli Moonias
- Constance Lake Youth Council, Rose Le Fleur, Cecile Sutherland, Riley Anderson, and Teresa Sutherland
- Pioneer Club, Geraldton Senior Citizens, Ginger Ball and Patricia Boyle
- Lake Nipigon Metis Association, Michael McGuire
- Millie Barrett
- Tommy Mattinas
- Mathew Sutherland
- John Evans
- Ange Veilleux

Nakina - November 29, 1977

- Kimberly-Clark Pulp and Paper Co., G.L. Puttock, President
- Township of Longlac, Reginald Hopkin, Reeve
- Ontario Hydro, G. Patterson
- Ontario Public School Men Teachers Federation, Geraldton District, Jay Daiter
- Improvement District of Nakina, D. Horne, Secretary-Treasurer
- Nakina Tourist Area Outfitters Association, A. Rampton
- Canadian National Railway, J.R. Burns, Area Manager
- Nakina Chamber of Commerce, Peggy Swanson
- Daniel Yoki and Greg Bourdignon
- Canon John Long
- Norman Skinner
- Lakehead University, Native Students Association, Claudia Irons and Ruby Morris
- Grand Council Treaty #3, Chief Peter Kelly
- Mrs. A.R. Mercier
- Northwestern Ontario International Women's Decade Co-ordinating Council, Julie Fels and Leona Lang
- Stan Hunnisett
- Terrence Brian Swanson
- S.W. Lukinuk

Pickle Lake - December 5, 1977

- Bell Canada, Perry Brisbin
- Steep Rock Iron Mines, Larry Lamb
- Ontario Northland Transportation Commission, G. Payne and Don Wallace
- Crolancia High School, grades 9 and 10, Bob Walli
- Don McKelvie
- Ministry of Transportation and Communications, Victor Handforth and Jack Willock
- A.E. Brazeau
- Patricia Home Owners Association, Brian Booth
- Improvement District of Pickle Lake, Brian Booth
- Ministry of Northern Affairs, Phil Mostow
- UMEX Corporation, Doug Pittet
- Linda and Dan Pickett
- Connell and Ponsford District School Board, J. Murray, Chairman
- Don Koval
- Stan Werbisky
- Ontario Public Interest Research Group, Waterloo Local, T. Cheskey and P. Weller
- Henry Munro
- Ron Slemko
- Rhys Rissman

Osnaburgh - December 6, 1977

- Grand Council Treaty #9, Chief Wallace McKay
- Jeremiah Sainnawap
- James Masakeyash
- Magnus James

- Gordie Beardy
- Moses Fiddler
- Albert Mamakwa
- New Osnaburgh Band, Chief Maurice Loon
- Cat Lake Band, Chief Jasper Keesickquayash
- John Cooke
- Jim Mezzatay
- Slate Falls Band, Levius Wesley
- James Waboose
- North Caribou Lake Band, Chief Saul Keeash
- Muskrat Dam Band, Arthur Beardy
- Bearskin Lake Band, Chief Tom Kam
- Sachigo Lake Band, Peter Barkman and Solomon Beardy
- Pehtabun Area Chiefs Council, Bill Mamakeesic, Chairman
- Ambrose Mikinac
- Edward Machimity

Osnaburgh - December 7, 1977

- Big Trout Lake Band, Chief Stanley Sainnawap
- Grand Council Treaty #9, Chief Gerald McKay
- Wunnummin Lake Band, Chief John Bighead
- Kingfisher Lake Band, Chief Simon Sakakeep
- Angling Lake Band, Chief Ananias Winter
- Simon Frogg
- Fort Severn Band, Chief Elijah Stoney
- Kasabonika Lake Band, Councillor Jeremiah McKay and Harry Semple
- Long Dog Lake, Henry Frogg and Simon Frogg
- Grand Council Treaty #9, Fred Plain
- Lakehead University, Native Students Association, Ruby Morris and Garnet Angecone
- Ange Veilleux
- Family and Children's Services of the District of Kenora, Joyce Timpson
- Mrs. M. Kwandibens
- Roy Kaminawash
- Councillor Joseph Skunk

Toronto - December 15, 1977

- Provincial Secretariat for Social Development, Maureen Quigley
- University of Waterloo, School of Urban and Regional Planning, Roger Suffling
- University of Waterloo, Department of Man-Environment Studies, Carol Farkas
- Northern Ontario Tourist Outfitters Association, Dean Wenborne, President
- Planned Parenthood Ontario, Mrs. Eleanor McDonald, Executive Director
- Joe De Pencier
- Trent University Native Association, Reid Dingwall
- Ministry of Colleges and Universities, Marie Louise Sebald
- Pollution Probe, Linda Pim

- Native Canadian Centre of Toronto, Roger Obonsawin, Executive Director
- Canadian Association in Support of Native Peoples, Toronto Chapter, Laura Kennedy
- Laurentian University, Dr. Tom Alcoze
- Laurentian University, Department of Geography, Ron Anderson
- University of Sudbury, Department of Native Studies, James Dumont
- University of Toronto, Faculty of Medicine, Department of Psychiatry, Dr. Gerald H.C. Greenbaum
- Ministry of Community and Social Services, Dr. Cliff Williams
- Canadian Coalition for Nuclear Responsibility, Patrick Dare
- The Association of Concerned Torontonians Inquiring into Ontario North, Paul Kennedy
- University of Toronto, Faculty of Forestry and Landscape Architecture, Dr. Paul Aird
- York University, President's Advisory Committee on Northern Studies, Dr. Graham Beakhurst
- A Group of Concerned Ottawa Citizens, Ann Cole

Toronto - December 16, 1977

- Development Education Centre, Eric King
- University of Toronto, Institute for Environmental Studies, Dr. Kenneth Hare
- Ministry of Health, Gordon Martin
- Ontario Public Interest Research Group, Connie Clement
- Ministry of Education, R. Hunter and W. Morgan
- Chief Peter Kelly
- Ontario Society for Environmental Management, Dr. Robert Dorney and Tom Lowen
- Frontier College, Jack Pearpoint
- Lakehead University, Dr. Robert Rosehart, Dean
- School of Experiential Education, Susan Stopps
- Ministry of Energy, Richard Lundeen
- The Committee in Support of Native Concerns, London, George Webb
- University of Waterloo, Faculty of Environmental Studies, R.T. Newkirk, Associate Professor, and J.G. Nelson, Dean
- Oxfam-Canada, Dr. Roger Rolfe
- Ministry of Labour, Gerald Swartz
- Quaker Committee on Native Concerns, Nancy Pocock
- National and Provincial Parks Association of Canada, Carol Bailey
- Ontario Welfare Council, Donald Bellamy and David Kennedy
- Continental Hydroponics Limited, Gerald Rosenberg
- The Conservation Council of Ontario, M.J. Bacon, President

Timmins - December 21, 1977

- Canadian Mental Health Association, Timmins Branch, Shirley Rokeby
- Provincial Secretary for Resources Development, Honourable Rene Brunelle

- Town of Smooth Rock Falls, P. Kelly, Mayor
- Canadian Civil Liberties Association, Timmins Chapter, Martha Laughren
- The Cochrane District Health Council, Floyd Dale
- Northeastern Ontario Municipalities Action Group, Rene Piche, Chairman
- Prospectors and Developers Association, Porcupine Branch, John Larche
- Timmins Women's Resource Centre, Lynne Wisniewski
- Allan Pope, MPP
- Mike Zudel
- Gerry Martin

Sandy Lake - January 10, 1978

- Tom Fiddler
- Grand Council Treaty #9, Wally McKay
- North Spirit Lake, Councillor Norman Ray
- Deer Lake Band, Arthur Meekis
- Sandy Lake Band, Chief Saul Fiddler
- MacDowell Lake Band, Magnus James
- Poplar Hill Band, Councillor Judas Kettle Strang and Absolum Moose
- Fred Meekis
- Pikangikum Band, Chief Ben Quill

Sandy Lake - January 11, 1978

- Sandy Lake Council on Alcohol and Drug Abuse, Abel Ray and Joe Meekis
- Kitiwin Communications Association, Eddie Fiddler and Donald Mamakeesic
- Northern Native Education Council, Richard Morris
- Whitehead Moose
- Pehtabun Area Chiefs Council, Bill Mamakeesic, Chairman
- Jacob Fiddler

Kenora - January 17, 1978

- Grand Council Treaty #3, John Kelly, Grand Chief
- Town of Kenora, George McMillan, Councillor
- Ministry of Culture and Recreation, Northwest Region, Paddy Reid, Regional Archaeologist
- Northwestern Ontario Municipal Association, W. Wake, President
- Northwestern Commercial Fisheries Federation, Alice Longe
- Lake of the Woods Pow-Wow Club, Joe Morrison
- Ontario Federation of Anglers and Hunters, Lee Doyle
- Ontario Human Rights Commission, Bromley Armstrong
- Canadian Institute of Forestry, Lake of the Woods Section, G. Brown
- Northwestern Ontario District Progressive Conservative Youth Association, Fergus Devins
- Kenora Paper Mill Unions Federated Committee, L. Hudson
- Nancy Morrison
- Warner Troyer

- Ontario Metis and Non-Status Indian Association, Zone 1, Brenda Prouty
- Town of Keewatin, Township of Jaffray Melick, R.W. Kahoot, Mayor
- Ontario Federation of Labour, Clifford Pilkey and Shelley Acheson
- Ministry of Natural Resources, R. Riley
- Roberta Keesick
- Canadian Mental Health Association, Ontario Division, Wendy Hill
- Kenora Ministerial Association, Reverend John Fullmer
- Dr. Brian Russell
- Bearskin Lake Air Service, Karl Friesen
- Kenora Women's Coalition, Valerie Kellberg and Rosalyn Copenace
- Kenora District Campowner's Association, Dick Motlong
- Confederation College of Applied Arts and Technology, Richard Staples, Danny Dumas and Brian Larson
- Canadian Paperworkers Union, Local 238, Carl Stephens, President
- The Kenora-Keewatin and District Labour Council, Carl Stephens
- Reverend Stuart Harvey

Whitedog - January 18, 1978

- Islington Band [Whitedog Reserve], Chief Roy McDonald
- Councillor Charles Wagamese
- Lori Wagamese
- Grand Council Treaty #3, John Kelly, Grand Chief
- Grassy Narrows Band, Chief Simon Fobister
- Fred Cameron
- Baptist Bigblood
- Tony Henry
- William McDonald
- Robert Land, Sr.
- Tommy Keesick
- Marcel Pahpahsay
- Sister Simone Lefebvre
- Anti-Mercury Ojibway Group [A-MOG], Tony Henry
- Allan Carpenter

Kenora - January 19, 1978

- Ted Hall
- Grand Council Treaty #3, John Kelly, Grand Chief
- Grand Council Treaty #3, Chief Philip Gardner
- Grand Council Treaty #3, Chief Peter Kelly
- Grand Council Treaty #3, Willie Wilson
- Grand Council Treaty #3, Nancy Morrison
- Grand Council Treaty #3, Shirley Chapman
- Shoal Lake Band, Chief Robin Greene
- Grand Council Treaty #3, Colin Wasacase
- Kenora Rotary Club, A. Dodds
- Addiction Research Foundation, Garth Toombs and Joe Brown
- Publicity Board of Kenora, Randy Jackson
- Kenora-Rainy River District Health Council, Bob Muir

- Dave Schwartz
- Mac Morrison
- Barry Gibson
- Atikaki Council, Marc Wermager, Executive Director
- Kenora Physically Handicapped Action Group, Winnie Magnusson
- Unorganized Communities Association of Northwestern Ontario, Kathy Davis, Executive Director
- Thunder Bay Chamber of Commerce, Keith Jobbitt
- North of Superior Travel Association, Keith Jobbitt
- Law Union of Ontario, Bob Edwards
- Mantario Wilderness Society, T.P. Walker
- Kenora and District Chamber of Commerce, Doug Johnson
- Barney Lamm
- Fred Greene

Moosonee - February 1, 1978

- Grand Council Treaty #9, Chief Andrew Rickard, President
- Moosonee Development Area Board, Ray Cool, Chairman
- Arnold Peters, MP
- James Bay Education Centre, Ivor Jones, Director
- Moosonee Board of Trade, Harold Peters, Secretary
- Moosonee Public School, Grade 8
- Moosonee Recreation Committee, Jacques Begin
- Daniel Spence
- Northern Native Education Council, Richard Morris
- North Cochrane District Family Services, Ron Pulsifer, President
- Moosonee Metis Association, Bonnie Trapper
- Bishop Leguerriere
- Frederick Whiskeychan
- WaWaTa Native Communications Society, Garnet Angecone
- Joe Linklater
- James Locke
- Ross Irwin

Moose Factory - February 2, 1978

- James Wesley
- Kashechewan Band, Chief Willie Stevens and Councillor Sinclair Williams
- Attawapiskat Band, Chief Fred Wesley
- James Bay Chiefs, Chief Tom Archibald
- Fort Albany Band, Chief John Nakogee
- Winisk Band, Chief Louis John-George
- Minister of Indian Affairs and Northern Development, Honourable Hugh Faulkner
- John Fletcher
- Grade 5A, Moose Fort School, Susan Vincent
- Gilbert Faries
- Emile Nakogee
- Moose Band, Chief Munroe Linklater
- Grade 6B, Moose Factory Public School, Colleen McLeod and Wally Turner
- Raphael Wabano

- St. Thomas' Anglican Church, Dr. Redford Louttit and Reverend J.A. Stennett
- John Long
- Grade 5, Moose Factory Public School, Lyle McLeod, Brian Wesley, Howard Rickard and Heather Faries
- James Bay Cree Society, Peggy Sailors, Clifford Trapper and Ida Faries
- Simeon Metat
- Moose Factory Island Public School Board, Patrick Chilton, Secretary-Treasurer
- Warner West
- Ernie T.S. Sutherland
- Margaret Solomon
- Sinclair Cheechoo
- George Katkapupit
- Sinclair Williams
- Grand Council Treaty #9, Chief A. Rickard

Sioux Lookout - November 22, 1982

- Chief Tom Fiddler and James Stevens
- Town of Sioux Lookout, John Parry, Mayor
- Lac Seul Band, Duncan Angeconeb, Jack Angeconeb and Tom Peetwayway
- Sioux Lookout Chamber of Commerce, Arnold Beebe

Sioux Lookout - November 23, 1982

- Summer Beaver Settlement Council, Leonard Sugarhead, Albert Neshinapaise, Chief Mike Wabasse and Sandy Yellowhead
- Town of Dryden, T.S. Jones, Mayor, George Boissoneault and Susan Wells, Councillors
- Brian McMillan and David Peerla
- Savant Sturgeon Tourist Outfitters Association, Dennis Mousseau
- Dale Staimbrook
- Dennis Mousseau
- Ernie Farlinger
- Grand Council Treaty #9, Wally McKay, Grand Chief; Chief Harvey Yesno, Central PDA; Chief Gerry McKay, Kayahna PDA; Josias Fiddler, Tribal Chief, Pehtabun PDA; Chief Andrew Kakepetum, Sandy Lake; and Grace Matawapit, District Tribal Co-ordinator, Windigo PDA Michael Quince Michael Quince

Sioux Lookout - November 24, 1982

- Sioux Lookout Trappers Association, Ian Marshall, President, and Wilfred Wingenroth
- McKenzie Forest Products, Ted Couch, Comptroller, Mike Auld and Hal Brinley
- Don Colborne
- Wilfred Wingenroth and Family
- Iris Czinkota
- Michael Quince
- Ontario Metis Association, Zone 1, Shirley O'Connor, Board Director

- Helen Garrett
- Bearskin Lake Air Service Limited, Harvey Friesen
- Joyce Timpson
- Mary Davies
- Farish Davies

Red Lake - November 30, 1982

- Green Airways, John A. Green
- Ontario Metis Association, Tom O'Connor
- Township of Red Lake, Ormond Sharpe, Reeve
- Red Lake District Chamber of Commerce, Bob Axford
- Mary Hopperstad

Red Lake - December 1, 1982

- Red Lake Public School, Students from Grades VII and VIII
- Great Lakes Forest Products Limited, Warren S. Moore
- Deer Lake Band, Chief Douglas Meekis
- Hugh Carlson
- Red Lake Indian Friendship Centre, Ross Mamakeesic
- Ron Robinson and Richard Witham
- Trout Lake Campers Association, Ron Booi
- Nils Dahl, represented by Ron Booi
- J.J. Richthammer, represented by Ron Booi
- Red Lake District Chamber of Commerce, Bob Axford

Ear Falls - December 2, 1982

- Kenora District Campowners Association, Bruce Gethen, President
- Township of Ear Falls, S. Leschuk, Reeve
- Morris Sinclair
- Andrea Langford
- Fred Bergman
- Mary Hopperstad
- Hugh Carlson
- Bruce Gethen
- Red Lake District Chamber of Commerce, Ad Hoc Committee
- Raymond Frank
- Wm. Allen Geary

Moosonee - January 11, 1983

- Moosonee Development Board, Gerry McCauley, Chairman, and Ruben Ploughman
- Northern Lights High School, Reverend John Clark and John Campbell
- Bishop Jules Leguerrier
- Ontario Metis Association, Zone 3, Earl Danyluk, Valerie McGregor and Kim McComb
- Raphael Wabano, interpreted by Chief Reg. Louttit

Moose Factory - January 12, 1983

- Moose Factory Band, Chief Ernest Rickard

Moose Factory - January 13, 1983

- Northern College of Applied Arts and Technology, Joe Drysdale, President
- James Bay Tribal Council, Fred Wesley, Chairman
- Attawapiskat Band Council, Chief Reg. Louttit
- Richard Lueger
- Norman Wesley

Cochrane - January 18, 1983

- Town of Cochrane, Mrs. Norah Kirkbride, Acting Mayor
- Concerned Women's Group, Pauline LaRose and Dorothy Mercier
- Town of Cochrane, Mrs. Norah Kirkbride, Acting Mayor
- Lorne Fleece
- New Post Band #69, Chief Peter Archibald
- Dan Kucheran

Cochrane - January 19, 1983

- Cochrane Tourist Outfitters Association, Lloyd Rogerson
- Ininew Friendship Centre, Gerald Courville, Vice-President
- Town of Iroquois Falls, Lawrence Cutten, Mayor
- Ray Brisson

Hearst - January 20, 1983

- Town of Hearst, Gilles Gagnon, Mayor
- Town of Hearst, Robert Trahan, Councillor
- Gilbert Heroux, represented by Victor Granholm
- Hearst Chamber of Commerce, Rene Fontaine
- Bart Verruyt
- Township of Mattice, Paul Zorzetto, Reeve
- Cobie Love
- Nordex, represented by Jean Piche
- Suzanne Veilleux
- Victor Granholm

Armstrong - January 27, 1983

- Armstrong Wilderness Outfitters Association, Warren Smith
- Armstrong Area Chamber of Commerce, Joyce Neill, Vice-President
- Armstrong Wilderness Outfitters, Warren Smith, Wes Werbowy and Don Plumridge
- Frontier College, Jack Pearpoint, President, represented by Ed MacArthur
- Donald Patience
- Gus Kotter
- Armstrong Metis Association, Hector King, President, Harry Sinoway and Mike McGuire
- Whitesands Band, Chief Doug Sinoway
- Gull Bay Reserve #55, Chief Tim Esquega

Geraldton - February 1, 1983

- Town of Geraldton, Michael Power, Mayor
- Pioneer Club, Mrs. Ginger Ball
- Amikwiish, Michael Power
- Economic Development Sub Committee of the Northwestern Ontario International Women's Decade Council, Julie Fels and Laurie Cunningham
- Lake Nipigon Metis Association, Patrick McGuire Sr., President, and Bart Verruyt
- Pagwa Metis Association, Bart Verruyt
- Eugene LeFrancois

Geraldton - February 2, 1983

- Township of Nakina, Rae Mercier, Deputy Reeve
- Al Korkola, Principal, Geraldton Composite High
- Rocky Bay Indian Reserve #1, Roger Nakanagis, Acting Chief, and Jerry Wynne

Timmins - February 15, 1983

- Northern Ontario Tourist Outfitters, Roger Liddle, Executive Director
- Timmins Chamber of Commerce, Bruce Del Guidice, President, Michael Oppen representing W.C. Schure, and Roy Lindsay
- Faucher Logging Limited, Antonio Faucher, interpreted by Treva Cousineau
- City of Timmins, Victor Power, Mayor
- Georges Nadeau
- Danny Villars

Timmins - February 16, 1983

- Hollinger-Argus Mines Limited, J.B. Stubbins
- Association canadienne-française de l'Ontario, Jocelyn Beauchamps, Timmins area; David Comerford, Cochrane-Iroquois Falls area; and Andre Rheaume, Hearst-Smooth Rock Falls area
- Prospectors and Developers Association, Ralph Allersten, President
- David and Joanne Sewell
- Timmins Horticultural Society, Kees Stryland
- Town of Hearst, Jan Newsome, Secretary-Treasurer
- Canadian Institute of Forestry, Jacques Tremblay
- Ontario Paper Company, Rob Tomchick
- Brad Sloan

Thunder Bay - February 21, 1983

- City of Thunder Bay and the Thunder Bay Economic Development Corporation, Richard Charbonneau, General Manager
- Lakehead University, Dr. R. Rosehart, Dean of University Schools, and Dr. J. Stapleton, Dean of Education
- Michael Dunnill

- Confederation College of Applied Arts and Technology, Ralph Scarf, Dean of Continuing Education, and Larry Hanson, Director of Projects and Community Services
- Communist Party of Canada [Ontario], John MacLennan, Ontario Organiser; Gordon Massie, Ontario Leader; Bruce Magnusson, Ontario Northern Development Secretary; and Paul Pugh
- Township of Beardmore, Eric Rutherford, Reeve
- Ray Furlotte

Thunder Bay - February 22, 1983

- Algoma Central Railway, W.L. Oliphant, Manager, Lands & Forests Division
- Canadian Society of Environmental Biologists, J.E. Hanna
- Employment and Immigration Canada, Paul Scott, Chief of Affirmative Action
- Ontario Lumber Manufacturer's Association, J.M. Atkinson
- Conservation Council of Ontario, Simon Miles, Researcher

Thunder Bay - February 23, 1983

- Algonquin Wildlands League, Arlin Hackman, Executive Director
- Ontario Metis Association, Wil Hedican
- Dr. J. David Martin
- Janice Yule
- Parks for Tomorrow, David Bates and Bill Addison
- North Shore Citizen's Committee for Responsible Forest Management, Gordon Whitely
- Sidney Fels and Brian Corbishley

Thunder Bay - April 11, 1983*

- Submitter - Summer Beaver Settlement Council, Donald Colborne, Counsel; Leonard Sugarhead; Albert Neshinapaise, Economic Development Co-ordinator; Leonard Sugarhead; Chief Mike Wabasse; Sandy Yellowhead, Councillor
- Parties - Red Lake District Chamber of Commerce, David Meadows, Counsel
- Summer Beaver Settlement Council, Donald Colborne, Counsel, and Mary Kelly, Counsel
 - Sioux Lookout Trappers Council, Wilfred Wingenroth
 - Kiyahna Area Tribal Council, George Surdykowski, Counsel
- Witness - Ministry of Natural Resources, Honourable Alan Pope, Minister

Thunder Bay - April 27 - 28, 1983*

- Parties - Northern Ontario Tourist Outfitters Association, Robert B. Bell, Counsel
- Kiyahna Area Tribal Council, George Surdykowski, Counsel

*These hearings included formal examination and cross-examination of witnesses.

- Summer Beaver Settlement Council, Mary Kelly, Counsel
- Red Lake District Chamber of Commerce, David Meadows, Counsel
- Sioux Lookout Trappers Council, Wilfred Wingenroth
- Witness - Deer Lake Band, Morley Meekis
- Summer Beaver Settlement Council
- Ministry of the Environment, J.N. Mulvaney, Q.C.; M.B. Jackson, Q.C.; David Redgrave, Assistant Deputy Minister; Paul Rennick, Director of the Environmental Assessment Branch; Wally Vrooman, Regional Director Northwest Region; Robert Hodgins; and Charles J. Paulter

Fort Severn - June 2, 1983

- Fort Severn Band Council, Ken Thomas, Band Administrator
- Fort Severn Local Land Use Study, Archie Stoney, Co-ordinator
- Abel Bluecoat, interpreted by Archie Stoney
- James Matthews, interpreted by Archie Stoney
- Sammy Bluecoat, interpreted by Archie Stoney
- Elijah Albany, interpreted by Archie Stoney
- Geordie Thomas, interpreted by Archie Stoney
- Jeremiah Stoney, interpreted by Archie Stoney
- Chief Enus Crowe, interpreted by Archie Stoney
- Elijah Stoney, interpreted by Archie Stoney
- Ed Koostachin

Kingfisher Lake - June 14, 1983

- Mary Lou Frogg
- Swanson Mekanak, interpreted by Bill Mamakeesic
- Chief Simon Sakakeep, interpreted by Elijah Begg
- John George Sainnewap, interpreted by Elijah Begg
- James Mamakwa, Band Administrator
- Noah Winter, interpreted by Bill Mamakeesic
- Swanson Mekanak, interpreted by Bill Mamakeesic
- Rhoda Winter, interpreted by Bill Mamakeesic
- Ina Mamakwa, interpreted by Bill Mamakeesic
- Janet Mekanak, interpreted by Bill Mamakeesic
- Metias Sainnewap, interpreted by Bill Mamakeesic
- Isaac Kaomi, interpreted by Bill Mamakeesic
- Lydia Begg, interpreted by Bill Mamakeesic
- Reverend Winter, interpreted by Bill Mamakeesic

Wunnumin Lake - June 15, 1983

- Isiaah Mamakwa, interpreted by Simon Winnepetonga
- George Sainnewap, interpreted by Dean Cromarty
- Thomas Angees, interpreted by Dean Cromarty
- Alex McKay, interpreted by Simon Winnepetonga
- Isiaah Gliddy, interpreted by Simon Winnepetonga
- Jordas Angus, interpreted by Simon Winnepetonga
- Reverend Moses Angees, interpreted by Dean Cromarty
- Charlie Beaver, interpreted by Simon Winnepetonga

- Sam McKay, interpreted by Simon Winnepetonga
- Eli Chinow, interpreted by Dean Cromarty
- Joseph Gliddy, interpreted by Simon Winnepetonga
- Joe Bighead, interpreted by Dean Cromarty
- David McKay, interpreted by Simon Winnepetonga
- Peter Martin, interpreted by Simon Winnepetonga

Kasabonika Lake - June 16, 1983

- Chief Jeremiah McKay, interpreted by Mike Morris
- Simeon McKay, interpreted by Roy Gregg
- Martine Morris, interpreted by Roy Gregg and Mike Morris
- Sarah Mamakwa, interpreted by Mike Morris
- Elijah Anderson, interpreted by Mike Morris
- William Anderson, interpreted by Mike Morris
- Elizabeth D. Anderson, interpreted by Mike Morris
- David E. Anderson, interpreted by Mike Morris
- Emily Gregg, interpreted by Gordon Morris
- Jacob Winter, interpreted by Gordon Morris
- Levi Brown, interpreted by Gordon Morris
- Eno Anderson
- Jimmy Anderson, interpreted by Gordon Morris
- Irene Semple, interpreted by Gordon Morris
- Christine C. Anderson, interpreted by Gordon Morris
- Eno Anderson, on behalf of the youth of the community
- Harry Semple, interpreted by Gordon Morris
- Gordon Morris
- Josie Anderson
- Barnabus Gregg, interpreted by Gordon Morris
- Geordie Semple, interpreted by Gordon Morris
- Douglas Semple

Wapekeka - June 17, 1983

- Angus Brown, interpreted by Stanley McKay
- Jeremiah Winter, interpreted by Stanley Winter
- Albert McKay, interpreted by Stanley McKay
- Anninias Winter, interpreted by Stanley McKay
- Saggus Frogg
- Charlie Roundsky, interpreted by Simon Frogg
- Simeon Crowe, interpreted by Simon Frogg
- Chief Simon Brown, interpreted by Simon Frogg
- Alan Brown
- Simon Frogg

Wunnumin Lake - June 20, 1983

- Chief John Bighead, interpreted by Bill Mamakeesic

Big Trout Lake - June 22, 1983

- Chief Gerry McKay
- Joe Morris, interpreted by Stanley Sainnewap
- Mary Ann Anderson, interpreted by Stanley Sainnewap
- Jonas Duncan, interpreted by Stanley Sainnewap

- Aglace McKay, interpreted by Stanley Sainnewap
- Mike Anderson, interpreted by Stanley Sainnewap
- Daniel Nanokeesic, interpreted by Stanley Sainnewap
- Reverend Alan Hardley, interpreted by Stanley Sainnewap
- Steve Morris, interpreted by Stanley Sainnewap
- Bill Morris, interpreted by Stanley Sainnewap
- Solomon Begg
- Elizah Childs, interpreted by Stanley Sainnewap
- George Duncan, interpreted by Stanley Sainnewap
- Levi McKay, interpreted by Stanley Sainnewap
- Rubina Chapman, interpreted by Stanley Sainnewap

Toronto - June 29, 1983*

- Parties
 - Deer Lake Band, Adrian Hill, Counsel
 - Kayahna Area Tribal Council, George Surdykowski, Counsel
- Witness
 - Ministry of Natural Resources, Honourable Alan Pope, Minister

Toronto - June 30, 1983*

- Parties
 - Red Lake District Chamber of Commerce, Adrian Hill, Counsel
 - Kayahna Area Tribal Council, George Surdykowski, Counsel
 - Great Lakes Forest Products Limited, Reno Stradiotto, Q.C., Counsel
 - Sioux Lookout Trappers' Council, Wilfred Wingenroth
- Witness
 - Great Lakes Forest Products Limited, Warren S. Moore

Fort Hope - September 21, 1983

- Fort Hope Band, Joyce Kleinfelder, Consultant, and Chief Harvey Yesno
- Noah Atlookan
- Temius Nate
- Minnie Iskineegish
- Stanley Okeese
- Patrick Moonias
- Cornelius Nate
- Gordon Waswa
- Henry Boyce
- Thomas Moonias

Fort Hope - September 22, 1983

- Charlton Slipperjack
- Solomon Atlookan
- Louis Nate

*These hearings included the formal examination and cross-examination of witnesses.

- Andrew Waboose
- Steven Atlookan
- Ida Atlookan
- Louis Waswa
- Johnny Keeskadie
- Robert Moonias
- John Quisses
- Noah Atlookan
- David Boyce
- Solomon Wabano
- Helen Neshinapaise
- Donat Moonias
- Victoria Atlookan
- Christine Yesno

Fort Hope - September 23, 1983

- Edward Nate
- Noah Atlookan
- Andrew Nate
- Temius Nate
- Chief Harvey Yesno



WRITTEN SUBMISSIONS AND EXHIBITS PRESENTED TO
THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

WRITTEN SUBMISSIONS TO MR. JUSTICE E. PATRICK HARTT

ABITIBI PAPER COMPANY LIMITED, H. Rosier, President
ADOLESCENT PROGRAM, MOOSE FACTORY ZONE, Dr. D.W. Richardson
ALGOMA CENTRAL RAILWAY, S.A. Black, General Manager
ALGOMA STEEL CORPORATION LIMITED, John MacNamara, President
ASSOCIATION OF NATURAL RESOURCES TECHNICIANS
BALMERTOWN, THE IMPROVEMENT DISTRICT OF
BENNETT, Ruth, Ovid, Colorado
BRENNAN, Roger, Windsor, Ontario
BROUGHTON, Jim, Milton, Ontario
CALVIN CHRISTIAN MEMORIAL SCHOOL
CANADIAN BROADCASTING CORPORATION
CANADIAN PULP AND PAPER ASSOCIATION, Gordon Minnes, Secretary
COLLINS, John J., Toronto, Ontario
CORRISTINE, Susan, Toronto, Ontario
CROFTS, Bruce H., Toronto, Ontario
DINGLE, Jennifer, Downsview, Ontario
DOMINION FOUNDRIES & STEEL LIMITED, F.H. Sherman, President
DOMTAR WOODLANDS LIMITED, H.J. Iverson, R.P.E.,
Manager of Forestry
FEAR, Julia K., Toronto, Ontario
FINLAYSON, Donald, Toronto, Ontario
FORD, Paul M., Elmira, New York
FRANKEL, Jessica, San Diego, California
GERALDTON DISTRICT AIRPORT COMMISSION
GERALDTON DISTRICT HOSPITAL, Bessie P. Newman, Administrator
GRIFFITHS, C.O., Oxdrift, Ontario
HALL, Michael B., Mount Berry, Georgia
KAMINISTIQUEA THEATRE LABORATORY, Michael Sobota
KENDRICK, Loreine Y., Brooklyn, New York
KITCHENER-CONESTOGA ROTARY CLUB
KLAPPER, Marion Foley, Jamaica, New York
KUCHERAN, Dan M.
LEE, Peter, Winnipeg, Manitoba
LESIUK, John, Red Lake, Ontario
LIEDTKE, G.A., Ear Falls, Ontario
MALACHIE CAMPERS' ASSOCIATION, D. Bruce Main, President
MARTIN, David, Lakehead University
MATTSON, Ronald E., Minneapolis, Minnesota
MERKLI, Guido, Dryden, Ontario
MOFFAT, D.S., Ottawa, Ontario
MORTON, Irma, Geraldton, Ontario
MUNICIPAL ADVISORY COMMITTEE ON PROVINCIAL PLANNING, Northwestern
Ontario, Dale Willoughby, Chairman
NATIONAL SURVIVAL INSTITUTE, Beatrice Oliverstri
ONTARIO FORESTRY ASSOCIATION, W.T. Foster, President
ONTARIO MINISTRY OF THE ATTORNEY GENERAL
ONTARIO MINISTRY OF HOUSING, D.A. Crosbie, Deputy Minister
ONTARIO MINISTRY OF INDUSTRY AND TOURISM

PIPPY, Harold, Burlington, Ontario
 PRESBYTERIAN CHURCH IN CANADA Board of World Mission
 PRESS, Marla J., Brooklyn, New York
 PRESSMAN, Ruth V., Brooklyn, New York
 PYLE, Kathy, Delhi, New York
 REID, Patrick, MPP, Rainy River District
 ROWLEY, John P., Richmond, Virginia
 RUTHERFORD, S.B., Orono, Ontario
 SAVAGE, Harvey S., Toronto, Ontario
 SCHUTZ, J. Evelyn, Central City, Nebraska
 SIPPELL, David W., Sioux Lookout, Ontario
 SUK, Jennifer, St. Catharines, Ontario
 TELESTAT CANADA, Douglas Golden, President
 TETROE, Gordon, Kenora, Ontario
 THUNDER BAY & DISTRICT LABOUR COUNCIL
 UNITED SOCIETY OF FRIENDS WOMEN, I.W. Patrick,
 Stewardship Secretary
 UNITED STEEL WORKERS OF AMERICA, G. Wonnick
 VACHON, Joanne, North Bay, Ontario
 VALOIS, Elizabeth, Narragansett, Rhode Island
 WALSH, Norman, Oneonta, New York
 WARING, Y., Jefferson, New York
 WHITE, Jo-anne, Sudbury, Ontario
 WOLFE, Robert and Catherine, New Liskeard, Ontario
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Anderson, N.C. Bonsor, Department of Economics.

The Future of Mineral Development in the Province of Ontario
North of 50°, Laurentian University

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The James Bay Treaty, Treaty #9

THE NORTH-WEST ANGLE TREATY, NUMBER THREE¹

ARTICLES OF A TREATY made and concluded this third day of October, in the year of Our Lord one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Hon. Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-West Territories; Joseph Albert Norbert Provencher, and Simon James Dawson, of the one part; and the Saulteaux tribe of the Ojibbeway Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part:

Whereas the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at the North-West angle of the Lake of the Woods, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other;

And whereas the said Indians have been notified and informed by Her Majesty's said Commissioners, that it is the desire of Her Majesty to open up for settlement, immigration, and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence:

And whereas, the Indians of the said tract, duly convened in Council, as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and head men, who should be authorized on their behalf to conduct such negotiations, and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:— Kee-tak-pay-pi-nais (Rainy River), Kitihi-gay-lake (Rainy River), Note-na-qua-hung (North-West Angle), Mawe-do-pe-nais (Rainy River), Pow-wa-sang (North-West Angle), Canda-com-igo-wi-ninie (North-West Angle), Pa-pa-ska-gin (Rainy River), May-no-wah-tau-ways-kung (North-West Angle), Kitchi-ne-ka-be-han (Rainy River), Sah-katch-eway (Lake Seul), Muka-day-wah-sin (Kettle Falls), Me-kie-sies (Rainy Lake, Fort Francis), Oos-con-na-geist (Rainy Lake), Wah-shis-kince (Eagle Lake), Rah-kie-y-ash (Flower Lake), Go-bay (Rainy Lake), Ka-me-ti-ash (White Fish Lake), Nee-sho-tal (Rainy River), Kee-gee-go-kay (Rainy River), Sha-sha-gance (Shoal Lake), Shah-win-na-bi-nais (Shoal Lake), Ay-ash-a-wash (Buffalo Point), Pay-ah-be-wash (White Fish Bay), Rah-tay-tay-pa-o-cutch (Lake of the Woods).

¹ Morris, the Hon. Alexander, The Treaties of Canada with the Indians of Manitoba and the North-West Territories: Coles, 1971, pp. 320-329.

And thereupon in open council the different bands having presented their Chiefs to the said Commissioners as the Chiefs and head men for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and head men for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded as follows, that is to say:

The Saulteaux tribe of the Ojibbeway Indians, and all the other Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say:

Commencing at a point on the Pigeon River route where the international boundary line between the territories of Great Britain and the United States intersects the height of land separating the waters running to Lake Superior from those flowing to Lake Winnipeg, then northerly, westerly and easterly, along the height of land aforesaid, following its sinuosities, whatever their course may be, to the point at which the said height of land meets the summit of the water-shed from which the steams flow to Lake Nepigon, thence northerly and westerly, or whatever, may be its course along the ridge separating the waters of the Nepigon and the Winnipeg to the height of land dividing the waters of the Albany and the Winnipeg, thence westerly and north-westerly along the height of land dividing the waters flowing to Hundson's Bay by the Albany or other rivers from those running to English River and the Winnipeg to a point on the said height of land bearing north forty-five degrees east from Fort Alexander at the mouth of the Winnipeg; thence south forty-five degrees west to Fort Alexander at the mouth of the Winnipeg; thence southerly along the eastern bank of the Winnipeg to the mouth of White Mouth River; thence southerly by the line described as in that part forming the eastern boundary of the tract surrendered by the Chippewa and Swampy Cree tribes of Indians to Her Majesty on the third of August, one thousand eight hundred and seventy-one, namely, by the White Mouth River to White Mouth Lake and thence on a line having a general bearing of White Mouth River to the forty-ninth parallel of north latitude; thence by the forty-ninth parallel of north latitude to the Lake of the Woods, and from thence by the international boundary line to the place of beginning.

The tract comprised within the lines above described embracing an area of fifty-five thousand square miles, be the same more or less.

To have and to hold the same to Her Majesty the Queen and her successors forever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and also to lay aside and reserve for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, in such a manner as shall seem best, other reserves of land in the said territory hereby ceded, which said reserves shall be selected and set aside where it shall be deemed most convenient and advantageous for each band or bands of Indians, by the officers of the said Government appointed for that purpose, and such selection shall be so made after conference with the Indians: Provided, however, that such reserve whether for farming or other purposes shall in nowise exceed in all one square mile for each family of five, or in that proportion for larger or smaller families, and such selection shall be made if possible during the course of next summer or as soon thereafter as may be found practicable, it being understood, however, that if at the time of any such selection of any reserves as aforesaid, there are any settlers within the bounds of the lands reserved by any band, Her Majesty reserves the right to deal with such settlers as she shall deem just, so as not to diminish the extent of land allotted to Indians; and provided also that the aforesaid reserves of lands or any interest or right therein or appurtenant thereto, may be sold, leased or otherwise disposed by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behavior and good conduct of her Indians, she hereby, through her Commissioners, makes them a present of twelve dollars for each man, woman and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred.

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to her Government of her Dominion of Canada may seem advisable, whenever the Indians of the reserve shall desire it.

Her Majesty further agrees with her said Indians, that within the boundary of Indian reserves, until otherwise determined by the Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted to preserve her Indian subjects inhabiting the reserves, or living elsewhere within her North-West Territories, from the evil influence of the use of intoxicating liquors shall be strictly enforced.

Her Majesty further agrees with her said Indians, that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting such tracts as may from time to time be required to taken up for settlement, mining, lumbering or other purposes, by her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and her said Indians that such sections of the reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible, after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof at some period in each year, to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly.

It is further agreed between Her Majesty and the said Indians, that the sum of fifteen hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition, and twine for nets for the use of the said Indians.

It is further agreed between Her Majesty and the said Indians, that the following articles shall be supplied to any band of the said Indians who are now actually cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say—two hoes for every family actually cultivating; also one spade per family as aforesaid, one plough for every ten families as aforesaid; five harrows for every twenty families as aforesaid; one scythe for every family as aforesaid; and also one axe and one cross-cut saw, one hand saw, one pit saw, the necessary files, one grindstone, one auger for each band, and also for each Chief for the use of his band one chest of ordinary carpenter's tools; also for each band, enough wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also for each band, one yoke of oxen, one bull and four cows; all the aforesaid articles to be given once for all the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians, that each Chief, duly recognized as such, shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive, once in every three years, a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects obey and abide by the law; that they will maintain

peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any party of the said ceded tract; and that they will not molest the person or property of any inhabitant of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

In witness whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, at the north-west angle of the Lake of the Woods, this day and year herein first above-named.

Adhesion of Lac Seul Indians, Lac Seul, 9th June, 1874

We, the Chiefs and Councillors of Lac Seul, Seul Trout and Sturgeon Lakes, subscribe and set our marks, that we and our followers will abide by the articles of the treaty made and concluded with the Indians at the north-west angle of the Lake of the Woods, on the third day of October, in the year of our Lord one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, Hon. Alexander Morris, Lieutenant-Governor of Manitoba and the North-West Territories, Joseph Albert, N. Provencher and Simon J. Dawson, of the one part, and the Saulteaux tribes of Ojebewas Indians, inhabitants of the country as defined by the Treaty aforesaid.

In witness whereof, Her Majesty's Indian Agent and the Chiefs and Councillors have hereto set their hands at Lac Seul, on the 9th day of June, 1894.

THE LAKE WINNIPEG TREATY, NUMBER FIVE¹

ARTICLES OF A TREATY made and concluded at Berens River the twentieth day of September, and at Norway House the twenty-fourth day of September in the year of Our Lord one thousand eight hundred and seventy-five, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Honorable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-West Territories, and the Honorable James McKay, of the one part, and the Saulteaux and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described by their Chiefs, chosen and named as hereinafter mentioned, of the other part:

Whereas the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at meetings at Berens River and Norway House, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other;

And whereas the said Indians have been notified and informed by Her Majesty's said Commissioners, that it is the desire of Her Majesty to open up for settlement, immigration, and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence;

And whereas, the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and head men, who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:— For the Indians within the Berens River region and their several bands:

Nah-wee-kee-sick-quah-yash, Chief; Kah-nah-wah-kee-wee-nin and Nah-kee-quan-nay-yash, Councillors, and Pee-wah-noo-wee-nin, of Poplar River, Councillor; for the Indians within the Norway House region and their several bands, David Rundle, Chief; James Cochrane, Harry Constatag and Charles Pisequinip, Councillors; and Ta-pas-ta-num, or Donald Williams Sinclair Ross, Chief; James Garriock and Proud McKay, Councillors;

¹ Morris, the Hon. Alexander, The Treaties of Canada with the Indians of Manitoba and the North-West Territories: Coles, 1971, pp 342-350.

And thereupon in open council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and head men, for the purposes aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas, the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and head men, for the purposes aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas, the said Commissioners have proceeded to negotiate a treaty with the said Indians and the same has been finally agreed upon and concluded as follows, that is to say:

The Saulteaux and Swampy Cree tribes of Indians and all other Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say:

Commencing at the north corner or junction of Treaties Numbers One and Three, thence easterly along the boundary of Treaty Number Three to the height of land at the north-east corner of the said treaty limits, a point dividing the waters of the Albany and Winnipeg Rivers, thence due north along the said height of land to a point intersected by the 53° of north latitude and thence north-westerly to Favourable Lake, thence following the east shore of said lake to its northern limit, thence north-westerly to the north end of Lake Winnipegosis, thence westerly to the height of land called "Robinson's Portage," thence north-westerly to the east end of Cross Lake, thence north-westerly crossing Fox's Lake, thence north-westerly to the north end of Split Lake, thence south-westerly to Pipestone Lake, on Burntwood River, thence south-westerly to the western point of John Scott's Lake, thence south-westerly to the north shore of Beaver Lake, thence south-westerly to the west end of Cumberland Lake, thence due south to the Saskatchewan River, thence due south to the north-west corner of the northern limits of Treaty Number Four, including all territory within the said limits, and all islands on all lakes within the said limits as above described, and it being also understood that in all cases where lakes form the treaty limits, ten miles from the shore of the lake should be included in the treaty:

And also all their rights, titles and privileges whatsoever to all other lands wherever situated in the North-West Territories, or in any other Province or portion of Her Majesty's Dominions situated and being within the Dominion of Canada:

The tract comprised within the lines above described embracing an area of one hundred thousand square miles, be the same, more or less;

To have and to hold the same to Her Majesty the Queen and her successors forever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and other reserves for the benefit of the said Indians to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada; provided all such reserves shall not exceed in all one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families in manner following, that is to say:—

For the band of Saulteaux in the Berens River region now settled, or who may within two years settle therein, a reserve commencing at the outlet of Berens River into Lake Winnipeg, and extending along the shores of said lake and up said river and into the interior behind said lake and river, so as to comprehend one hundred and sixty acres for each family of five, a reasonable addition being, however, to be made by Her Majesty to the extent and the said reserve for the inclusion in the tract so reserved of swamps, but reserving the free navigation of the said lake and river, and free access to the shores and waters thereof for Her Majesty and all her subjects, and excepting thereout such land as may have been granted to or stipulated to be held by the Hudson's Bay Company, and also such land as Her Majesty or her successors may in her good pleasure see fit to grant to the mission established at or near Berens River by the Methodist Church of Canada, for a church, school-house, parsonage, burial ground and farm, or other mission purposes; and to the Indians residing at Poplar River, falling into Lake Winnipeg north of Berens River, a reserve not exceeding one hundred and sixty acres to each family of five, respecting as much as possible their present improvements; and inasmuch as a number of the Indians now residing in and about Norway House, of the band of whom David Rundle is Chief, are desirous of removing to a locality where they can cultivate the soil, Her Majesty the Queen hereby agrees to lay aside a reserve on the west side of Lake Winnipeg, in the vicinity of Fisher River, so as to give one hundred acres to each family of five, or in that proportion for larger or smaller families, who shall remove to the said locality within "three-years," it being estimated that ninety families or thereabout will remove within the said period, and that a reserve will be laid aside sufficient for that or the actual number; and it is further agreed that those of the band who remain in the vicinity of "Norway House" shall retain for their own use their present gardens, buildings and improvements until the same be departed with by the Queen's Government, with their consent first had and obtained for their individual benefit, if any value can be realized therefor; and with regard to the band of Wood Indians of whom Ta-pas-ta-num or Donald William Sinclair Ross, is Chief, a reserve at Otter Island on the west side of Cross Lake of one hundred and sixty acres for each family of five, or in that proportion for smaller families, reserving however to Her Majesty, her successors, and her subjects, the free navigation of all lakes and rivers, and free access to the shores thereof; provided, however, that Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as she shall deem fit, and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by Her Majesty's Government for

the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; and with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of her Indians she hereby through her Commissioners makes them a present of five dollars for each man, woman and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred;

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to her Government of the Dominion of Canada may seem advisable, whenever the Indians of the reserve shall desire it;

Her Majesty further agrees with her said Indians, that within the boundary of Indian reserves, until otherwise determined by her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve her Indian subjects inhabiting the reserves or living elsewhere within her North-West Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced;

Her Majesty further agrees with her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government;

It is further agreed between Her Majesty and her said Indians, that such sections of the reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvement thereon;

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date thereof, at some period in each year, to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly;

It is further agreed between Her Majesty and the said Indians that the sum of five hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians, in manner following, that it to say:— In the reasonable discretion as

regards the distribution thereof among the Indians inhabiting the several reserves or otherwise included herein of Her Majesty's Indian Agent having the supervision of this treaty;

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say:— Two hoes for every family actually cultivating; also one spade per family as aforesaid; one plough for every ten families as aforesaid; five harrows for every twenty families as aforesaid; one scythe for every family as aforesaid, and also one axe; and also one cross-cut saw, one hand saw, one pit saw, the necessary files, one grindstone, and one auger for each band; and also for each Chief for the use of his band, one chest of ordinary carpenter's tools; also, for each band, enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also, for each band, one yoke of oxen, one bull, and four cows: all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians, that each Chief, duly recognized as such, shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive, once every three years, a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf, and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the law, and they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tracts; and that they will not molest the person or property of any inhabitant of such ceded tracts, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tracts or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

In witness whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at Berens River, this twentieth day of September, A.D. 1875, and at Norway House, on the twenty-fourth day of the month and year herein first above named.

THE JAMES BAY TREATY, TREATY NO. 9¹

ARTICLES OF A TREATY made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand and nine hundred and five, between His Most Gracious Majesty the King of Great Britain and Ireland, by His Commissioners, Duncan Campbell Scott, of Ottawa, Ontario, Esquire, and Samuel Stewart, of Ottawa, Esquire; and Daniel George MacMartin, of Perth, Ontario, Esquire, representing the province of Ontario, of the one part; and the Ojibeway, Cree and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their chiefs, and headmen hereunto subscribed, of the other part:—

Whereas, the Indians inhabiting the territory hereinafter defined have been convened to meet a commission representing His Majesty's government of the Dominion of Canada at certain places in the said territory in this present year of 1905, to deliberate upon certain matters of interest to His Most Gracious Majesty, of the one part, and the said Indians of the other.

And, whereas, the said Indians have been notified and informed by His Majesty's said commission that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering, and such other purposes as to His Majesty may seem meet, a tract of country, bounded and described as hereinafter mentioned, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to count upon and receive from His Majesty's bounty and benevolence.

And whereas, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by His Majesty's Commissioners to name certain chiefs and headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be found thereon, and to become responsible to His Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several chiefs and headmen who have subscribed hereto.

And whereas, the said Commissioners have proceeded to negotiate a treaty with the Ojibeway, Cree and other Indians, inhabiting the district hereinafter defined and described, and the same has been agreed upon, and concluded by the respective bands at the dates mentioned hereunder, the said Indians do hereby cede, release, surrender and yield up to the government of the Dominion of Canada, for His Majesty the King and His successors for ever,

¹ The James Bay Treaty #9 made in 1905 and 1906 and Adhesions made in 1929 and 1930, Ottawa: Queen's Printer, 1964, pp.-10-31.

all their rights titles and privileges whatsoever, to the lands included within the following limits, that is to say: That portion or tract of land lying and being in the province of Ontario, bounded on the south by the height of land and the northern boundaries of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850, and bounded on the east and north by the boundaries of the said Province of Ontario as defined by law, and on the west by a part of the eastern boundary of the territory ceded by the North-West Angle Treaty No. 3; the said land containing an area of ninety thousand square miles, more or less.

And also, the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in Ontario, Quebec, Manitoba, the District of Keewatin, or in any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the King and His successors for ever.

And His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the government of the country, acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

And His Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same not to exceed in all one square mile for each family of five, or in that proportion for larger and smaller families; and the location of the said reserves having been arranged between His Majesty's Commissioners and the chiefs and headmen, as described in the schedule of reserves hereto attached, the boundaries thereof to be hereafter surveyed and defined, the said reserves when confirmed shall be held and administered by His Majesty for the benefit of the Indians free of all claims, liens, or trusts by Ontario.

Provided, however, that His Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as He may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by His Majesty's government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

It is further agreed between His said Majesty and His Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings,

railways, or roads of whatsoever nature may be appropriated for that purpose by His Majesty's government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And with a view to show the satisfaction of His Majesty with the behaviour and good conduct of His Indians, and in extinguishment of all their past claims, He hereby, through His Commissioners, agrees to make each Indian a present of eight dollars in cash.

His Majesty also agrees that next year, and annually afterwards for ever, He will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, four dollars, the same, unless there be some exceptional reason, to be paid only to the heads of families for those belonging thereto.

Further, His Majesty agrees to pay such salaries of teachers to instruct the children of said Indians, and also to provide such school buildings and educational equipment as may seem advisable to His Majesty's government of Canada.

And the undersigned Ojibeway, Cree and other chiefs and headmen, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of His Majesty the King.

They promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace between each other and between themselves and other tribes of Indians, and between themselves and others of His Majesty's subjects, whether Indians, half-breeds or whites, this year inhabiting and hereafter to inhabit any part of the said ceded territory; and that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof, and that they will assist the officers of His Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the law in force in the country so ceded.

And it is further understood that this treaty is made and entered into subject to an agreement dated the third day of July, nineteen hundred and five, between the Dominion of Canada and Province of Ontario, which is hereto attached.

In witness whereof, His Majesty's said Commissioners and the said chiefs and headmen hereunto set their hands at the places and times set forth in the year herein first above written.

Signed at Osnaburg on the twelfth day of July, 1905, by His Majesty's Commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Adhesions to Treaty Number Nine

WHEREAS HIS MOST Gracious Majesty George V, by the Grace of God of Great Britian, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, has been pleased to extend the provisions of the Treaty known as The James Bay Treaty or Treaty Number Nine, of which a true copy is hereto annexed to the Indians inhabiting the hereinafter described territory adjacent to the territory described in the said Treaty, in consideration of the said Indians, agreeing to surrender and yield up to His Majesty all their rights, titles and privileges to the hereinafter described territory.

AN WHEREAS we, the Ojibeway, Cree and all other Indians inhabiting the hereinafter described Territory, having had communication of the foregoing Treaty and of the intention of His Most Gracious Majesty to extend its provisions to us, through His Majesty's Commissioner, Walter Charles Cain, B.A., of the City of Toronto, and Herbert Nathaniel Awrey, of the City of Ottawa, have agreed to surrender and yield up to His Majesty all our rights, titles and privileges to the said territory.

NOW THEREFORE we, the said Ojibeway, Cree and other Indian inhabitants, in consideration of the provisions of the said foregoing Treaty being extended to us, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for His Majesty the King and His Successors forever, all our rights, titles and privileges whatsoever in all that tract of land, and land covered by water in the Province of Ontario, comprising part of the District of Kenora (Patricia Portion) containing one hundred and twenty-eight thousand three hundred and twenty square miles, more or less, being bounded on the South by the Northerly limit of Treaty Number Nine; on the West by Easterly limits of Treaties Numbers Three and Five, and the boundary between the Provinces of Ontario and Manitoba; on the North by the waters of Hudson Bay, and on the East by the waters of James Bay and including all islands, islets and rocks, waters and land covered by water within the said limits, and also all the said Indian rights, titles and privileges whatsoever to all other lands and lands covered by water, wherever situated in the Dominion of Canada.

TO HAVE AND TO HOLD the same to His Majesty the King and His Successors forever.

AND we, the said Ojibeway, Cree and other Indian inhabitants, represented herein by our Chiefs and Councillors presented as such by the Bands, do hereby agree to accept the several provisions, payments and other benefits, as stated in the said Treaty, and solemnly promise and engage to abide by, carry out and fulfill all

the stipulations, obligations and conditions therein on the part of the said Chiefs and Indians therein named, to be observed and performed, and in all things to conform to the articles of the said Treaty as if we ourselves had been originally contracting parties thereto.

AND HIS MAJESTY through His said Commissioners agrees and undertakes to set aside reserved for each band as provided by the said aforementioned Treaty, at such places or locations as may be arranged between the said Commissioners and the Chiefs and headmen of each Band.

IN WITNESS WHEREOF, His Majesty's said Commissioners and the said Chiefs and headmen have hereunto subscribed their names at the places and times hereinafter set forth.

SIGNED at Trout Lake, on the Fifth day of July, 1929, by His Majesty's Commissioners and the Chief and headmen in the presence of the undersigned witnesses after having been first interpreted and explained.

A Staff Paper Prepared for
The Royal Commission on the Northern Environment

THE MINISTRY OF NATURAL RESOURCES'
PLANNING ACTIVITIES IN ONTARIO NORTH OF 50

A Critique and Evaluation of their Appropriateness
for Environmental Assessment

A Staff Paper Prepared for
The Royal Commission on the Northern Environment

by

Ian S. Fraser
Director of Research

1985

THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT



Royal Commission
on the Northern
Environment

180 Dundas Street West
Suite 2005
Toronto, Ontario M5G 1Z8

June 26, 1985

MEMORANDUM TO: Commissioner J.E.J. Fahlgren

FROM: Ian S. Fraser

RE: The Ministry of Natural Resources' Planning
Activities in Ontario North of 50°

The paper presents my evaluation of the Ministry of Natural Resources' planning system as implemented in Ontario North of 50° and a discussion of the issues that arose over the applicability of the Environmental Assessment Act to it. The paper is intended to be a contribution to the Commission's work on planning and environmental assessment and to provide detailed technical substantiation for your conclusions and recommendations. It also constitutes a full record of the Ministry's planning activities in the north. I am pleased to see that you have found it useful for your final report.

This research has been carried out over the past several years. Although a few of its findings have become superseded by recent events, practically all of them remain valid to this day.

The crucial importance of these subjects to northerners clearly justifies the great effort devoted to them by the public and your own staff. You established allocation and management of natural resources as a major focus for your hearings because you recognized that exercise by the Ministry of Natural Resources of its roles of custodian, allocator, manager, and developer of Crown Lands can shape the future course of northern development.

This paper reinforces your commitment to environmental assessment as embodying principles that can serve to balance legitimate concerns of development and environmental protection and contribute to better planning.

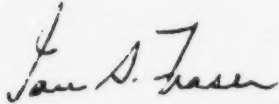
The first part of this paper is essentially a summary of the main conclusions reached regarding the application of environmental assessment to the planning, the status to be accorded to the land use plans and guidelines, and the defects of the planning as a basis for serving northerners' needs.

The second part examines the principles and process adopted for land use planning noting their troublesome implications for the substance of the documents ultimately produced.

The third part focuses on the documents themselves with special reference to those for the West Patricia area. They demonstrate biases in favour of industrial development of natural resources and the creation of wilderness parks. Moreover, they failed to provide a sufficiently wide range of planning options for productive response by northerners and to examine fully the social, economic and natural environmental consequences of the options. In sum, the plan documents portend no fundamental change in the terms and conditions of northern development.

The last part of the paper deals with the issues surrounding the application of the Environmental Assessment Act to the land use planning and the consequences of the Minister of the Environment's decision that the Act does not apply to the plan guidelines. Here I have drawn extensively from the transcripts of your hearings.

Although in some places, the views expressed in this paper are represented to be those of the Commission, I must acknowledge here that they are solely my own. My objective has been simply to write the paper in such a way that you could "lift" sections of it directly for inclusion in your Final Report if you so wished.

A handwritten signature in cursive script, reading "Ian S. Fraser". The signature is written in dark ink on a light background.

Ian S. Fraser
Director of Research



PLANNING BY THE MINISTRY OF NATURAL RESOURCES

INTRODUCTION

One overriding objective of the Commission's program is to recommend improvements in the methods used to reach decisions on northern development. In its reaction to Reed Limited's timber harvesting and mill proposals, mercury pollution in the English-Wabigoon system, and other large projects being mooted across the north, the public insisted that development patterns of the past and their adverse consequences should not be replicated in the more-remote north and hence that fundamental changes need to be made in the planning and decision processes.

My Commission's interests in decision-making for Ontario North of 50° have focused primarily on the evaluation process stemming from the *Environmental Assessment Act, 1975*, on the planning process applied by the Ministry of Natural Resources, and on the embodiment of environmental assessment principles in the planning.

The Ministry of Natural Resources' planning and program-delivery activities have potential to shape the future course of northern development, which will continue to depend primarily on the use of natural resources. The Ministry performs crucial roles of custodian, allocator, manager, and developer of the Crown lands that comprise practically all of Ontario North of 50°. Land use planning by the Ministry creates a framework of objectives, strategies, and targets that gives direction to the subsequent formulation and eventual carrying out of projects and plans to manage resources. Consequently, decisions on the allocation and management of natural resources, consistent with a plan, can have crucially important beneficial or harmful consequences for the cultural, economic, and natural environments of the north. For these reasons, my Commission's programs of research and public participation have accorded a central place to evaluating the conceptual underpinnings, principles, process, research and public consultation methods, and products of the Ministry's planning.

The *Environmental Assessment Act, 1975* can play the central role in balancing the legitimate concerns of development and environmental protection. The Act establishes a planning and decision process that takes into account, at an early stage, all possible environmental effects of significant undertakings. Moreover, the Act can give the public an avenue for involvement in decision-making and a means of access to an accounting of how and why decisions are reached. I strongly support the views expressed to me that the future of the north depends to a very great degree on the effective application of environmental assessment to all proposed enterprises likely to have significant impacts and that environmental assessment principles are an essential ingredient of good resource planning.

PLANNING AND ENVIRONMENTAL ASSESSMENT

The evidence before me leads me to conclude that environmental assessment principles necessary for good planning have not been injected satisfactorily into the land use planning for Ontario North of 50°. Nor am I confident that these principles will be applied effectively at later stages in the Ministry of Natural Resources' planning system.

For most of this Commission's life, the government affirmed and reiterated that the Ministry's land use planning activities are provincial government activities that were to be dealt with under the *Environmental Assessment Act* and that the plan for the West Patricia area, in particular, would be subject to full individual environmental assessment

marked by controversy regarding the point at which the Act should be applied in the system, which differentiates land use planning from a subsequent stage of resource management planning. In late 1982, the Ministers of Natural Resources and the Environment informed me that the land use plans, including the plan for West Patricia, were not, after all, subject to the Act; the Act would instead be applied later, when reaching decisions about the allocation and management of resources associated with individual major projects, which might be consistent with the land use plans, or not. The ministers separated decision-making from land use planning by asserting that the plans about to be completed would be, in fact, only guidelines that might be adhered to, taken into account, or ignored. I believe that this about-face by government, and the consequent ambiguous status of the guidelines as a basis for decision-making on development, can only erode public confidence in both land use planning and the administration of the *Environmental Assessment Act*.

Towards discharge of my Commission's obligation to assist the Government of Ontario in refining its planning and decision-making processes for allocation and management of natural resources across the remote north, I established resource allocation and resource management as central issues in my mandate, initiated staff research projects to evaluate the planning system, the plan documents, and the public involvement process, directed written questions to the Ministers of Natural Resources and the Environment, and had my staff and legal counsel analyze views expressed on these matters by the public in written submissions and orally at hearings. As a result of these activities, I have amassed a staggering amount of testimony that I have found difficult to assimilate, to evaluate, and to respond to in a constructive manner.

The Ministry of Natural Resources has spent years of time and effort and millions of dollars of public money to carry out its land use planning across the north. Over the course of my

Commission's work, I have gained a great deal of respect for the high motives underlying the planning, for the dedication and competence of the planners, for the heightened awareness of issues that has resulted from the Ministry's public involvement program, and for the evident usefulness of the information assembled. Land use planning across the north has many accomplishments to its credit. And many of the criticisms that have been levelled against it by the public and are now levelled against it by me stem from limitations inherent in the Ministry's mandate and hence beyond the Ministry's control.

I have had to conclude, with reluctance, that the land use plan documents and the assumptions underlying them are so seriously flawed that they must not be implemented. The Minister of Natural Resources has reinforced this view (although not likely for the same reasons) by downgrading the status of the documents to that of guidelines that might or might not be adhered to. Moreover, I consider that the documents are so seriously flawed that they should be discounted as a basis for informed decision-making about balanced development in the north.

I base my conclusion that the land use guidelines, in their present form and with their present ambiguous status as regards government commitment to them, should not be used for decision-making on four main grounds, all stemming from my terms of reference. First, the guidelines portend no fundamental change in the nature, scale, terms and conditions of northern development; their implementation would merely perpetuate and extend into the more-remote north a kind of development so clearly unacceptable that the government was moved to create my Commission and to accelerate land use planning in the West Patricia area. Second, the land use planning process culminating in the plans/guidelines failed to examine a sufficiently wide range of development alternatives or to evaluate and compare the implications of those alternatives that it did examine in social, economic and natural environmental terms; the process thus disregarded the principles of good planning called for by the *Environmental Assessment Act*.

Third, the process reinforced, rather than allayed, the legitimate complaints of northerners, particularly native northerners, that they lack power to significantly influence the decisions being made about the course of northern development in government and corporate boardrooms elsewhere; northerners made it plain that simply being heard is not good enough. Fourth, the ambiguous status of the plan documents as a basis for decision-making about development leaves far too much discretionary power in the hands of politicians and senior bureaucrats.

In reaching my conclusions and framing my recommendations about planning for resource allocation and management in the

north, I consulted six vast bodies of evidence. First, I had my staff carry out a technical appraisal of the Ministry of Natural Resources' statements about the underlying principles, intent, scope and methodology of its own planning system, as set out in its publication *Guidelines for Land Use Planning, 1980* and various internal documents. The second body of evidence was the substance of the plan documents themselves, as they evolved from the relatively unsophisticated, preliminary, regional strategic plans for Northwestern Ontario and Northeastern Ontario published during the mid-to-late 1970s to the much more comprehensive and polished regional strategic plans and district guidelines of the past two years. The third body of information was the outcome of my staff's observation and evaluation of the Ministry's public involvement program in the north. The fourth was an examination, again by staff, of the changing relationship between the Ministry of Natural Resources and the Ministry of the Environment in matters respecting the desirability of applying environmental assessment principles to planning for resource allocation and resource management. The fifth body of evidence was the responses of the ministers and staff of these two ministries to the letters I wrote to them and to the questions I raised for them at formal public hearings. The sixth, no less important than the others, was the comments and recommendations made about planning and the applicability of environmental assessment thereto by government officials, interest groups and the public generally in written submissions and in oral presentations at my hearings; as expected, these comments and recommendations ranged from broad conceptual and methodological matters to more parochial matters having to do with the likely impacts of plan implementation on local areas and business enterprises.

POWERS AND LIMITATIONS INHERENT IN THE MINISTRY OF NATURAL RESOURCES' MANDATE

The Government of Ontario bears responsibility for planning across the north and hence for decision-making about future development there. Since its *Design for Development Program* was disbanded in the late 1970s, the government has abandoned any mechanism for comprehensive provincial and regional planning spanning the social, economic and natural environmental fields. Such planning as now exists is compartmentalized in individual ministries, which carry it out mainly in order to rationalize and streamline their own policies and program-delivery activities. No single agency of the provincial government is mandated to plan comprehensively. Each agency that does plan does so largely within the scope of its own jurisdiction.

The dichotomy between the powers of the Ministry of Natural Resources to affect the course of northern development and the limitations of its mandate to assume responsibility for the outcome of northern development has become a major issue for

northerners and a perplexing one for me. The Ministry wields enormous powers in the north by virtue of its roles as custodian, allocator, manager and developer of the Crown lands that comprise practically all of Ontario North of 50°. The Ministry's exercise of these roles in delivering its programs has major consequences for people and the natural environment in the region. Yet the Ministry's plan documents pay scant attention to the likely social, economic and natural environmental impacts of the programs that they advocate. The Ministry has never claimed that it is engaged in comprehensive planning, an activity for which it is, in any event, neither mandated nor staffed. Instead, it asserts that its planning system, and the system's land use planning component in particular, is designed primarily to meet the Ministry's own needs for coordination of its programs. While internal coordination is an unarguably laudable objective for an agency having such diverse interests and responsibilities, the Ministry's activities, whether coordinated or not, do have a major impact across the north. Hence, the appropriateness of its planning system for informed decision-making on northern development and for resolution of northern tradeoff issues is a legitimate matter for the public's concern, and my own.

No single agency, even though well-intentioned, should wield such a degree of power over northern development and yet be unaccountable for the consequences. Clearly, the biases and limited scope inherent in planning by a single agency can lead only to a narrow and distorted view of what should be done to meet northerners' needs for a balanced, controlled approach to development and environmental protection. I believe that conduct of northern planning should be shared and coordinated across ministries having responsibilities in social, economic, and environmental matters and that steps must be taken to ensure that northerners can play a stronger role in planning and decision-making on issues that affect them.

COMPONENTS OF THE MINISTRY OF NATURAL RESOURCES' PLANNING SYSTEM

The Ministry of Natural Resources is not required by any statute to create formal plans of any kind. The Ministry cannot point to any single legislative authority for its land use planning activities. Its planning process stems from policy decisions made at Cabinet and ministerial levels rather than from legal specifications.

The Ministry's corporate planning system consists of five interlocking subsystems: policy planning, land use planning, resource management planning, work program planning, and work program evaluation. The Commission's research has focused on land use planning and its relationships with the policy planning and resource management planning components of the system. It has sought to establish the point or points at which the *Environmental Assessment Act* can be most fruitfully applied in

the continuum of planning and decision-making activities that these three subsystems embody. The research has evaluated the planning principles, the planning process, and the substance of the plan/guideline documents themselves, using as touchstones the Ministry of Natural Resources' *Guidelines for Land Use Planning, 1980* and the Ministry of the Environment's *General Guidelines for the Preparation of Environmental Assessments, 1981*.

Policy planning, which flows from the basic philosophical presuppositions of government, answers the question of "what", in the Ministry's words, "is to be achieved and why"? Policy planning, as the first component in the planning system, puts in place a policy framework for land use planning and for the other subsystems that follow on from it. Although the land use planning process provides for modification of policy through analysis, testing and perhaps public input, the extent to which these can effect changes in fundamental policy thrust remains open to serious question.

The Ministry defines a land use plan as "a document which indicates how the Ministry plans to use Crown land and...intends to influence the use of private land in achieving its objectives." It states that the purpose of a land use plan is "to coordinate the various Ministry programs, concerning the use of land, so that conflicts and inefficiencies are avoided and all objectives are met." The land use plans - now "guidelines" - provide a spatial framework and direction for the formulation of resource management plans for particular uses and areas.

The placing of resource management considerations largely outside the domain of land use planning creates an arbitrary distinction between ends (land use objectives) and means (management), and thereby raises questions about the appropriateness and attainability of objectives, impairs the generation of plan options, and complicates the issue of the applicability of the *Environmental Assessment Act* to the planning system.

LAND USE PLANNING: PRINCIPLES AND PROCESS

The Ministry of Natural Resources sets out the purpose, scope and approach of its land use planning in *Guidelines for Land Use Planning, 1980*. This document first states a set of nine planning principles to be adhered to by the Ministry in formulating and evaluating land use plans (Figure 1). It then defines a seven-step planning process that begins with the setting of terms of reference and ends with the approval and implementation of district plans. Figure 2 shows this process and its functional links to policy generation and resource management.

Finally, the document sets out prescriptions for involvement by the public in the land use planning process.

These three interwoven elements - principles, process, and public involvement - together constitute a logical, coherent, and internally consistent framework governing land use planning to meet the Ministry's own objectives. And, in a broader planning context, they could have produced better plan documents than they did. That they did not is attributed to two main factors: limitations of scope inherent in the Ministry's mandate and shortcomings in the application of the planning principles and methodologies established.

Principles

Planning Areas

The sixth principle stipulates that "planning decisions should be made through a hierarchy of planning areas where broad decisions are made before detailed decisions" in order to "guarantee overall consistency and balance across the province." Land use plan documents are prepared for the province, the planning regions (Northwestern Ontario, Northeastern Ontario and Southern Ontario) and districts of the Ministry of Natural Resources.

In essence, the Ministry's land use planning embodies a "top-down" process, iterative to a degree, through which provincial policies are first consolidated at the level of the province and then progressively refined and given greater detail and locational specificity at the regional and district levels. By and large, the district plan documents state provincial policy articulated at the district level rather than an authentic district perspective on policy. This emphasis in land use planning is understandable and logical - the Ministry is, after all, a provincial agency - but it detracts from acceptability in the districts, where the plan prescriptions may be applied.

Policies, Objectives and Targets

The first planning principle asserts that plans are made to attain ends, for which the Ministry uses the terms policy, objective and target. Policy is the "decision concerning the objectives to be achieved and the means of achieving them." An objective is "a quantifiable end result to be achieved." Targets are "quantified objectives with a date for achievement" the year 2000 in this case.

FIGURE 1

THE PLANNING PRINCIPLES

1. Plans are made to achieve objectives. These must be clearly identified in the planning process.
2. Public participation is essential in the planning process.
3. The planning process must include distinct points where options are considered and full disclosure is given of the consequences and trade-offs associated with each option.
4. Planning is a dynamic process.
5. Plans must be made for a long term and should provide for future options.
6. Planning decisions should be made through a hierarchy of planning areas where broad decisions are made before detailed decisions.
7. The public good must take precedence over the individual good.
8. Plans must identify land so that the most efficient use is made of land as it relates to the objectives.
9. Plans must recognize that the natural environment has limited ability to provide long term benefits and to withstand use.

FIGURE 2

RELATION BETWEEN PROVINCIAL, REGIONAL AND DISTRICT LAND USE PLANNING AND RESOURCE MANAGEMENT PLANNING			
Resource Management Planning	Land Use Planning		
	Provincial	Regional	District
Individual Policy Originated by → Branch concerned	1. Terms of Reference 2. Information 3. Develop provincial policy by → assembling individual policies and assign targets to planning region	1. Terms of Reference 2. Information 3. Develop Regional Policy 4. Develop → Conceptual Plan and assign targets to Districts	1. Terms of Reference 2. Information 3. Develop the District Policy 4. Develop the Conceptual Plan 5. Develop the Land Use Plan 6. Develop the Review Procedure 7. Plan Approval and Implementation
Manage Allocated Land to meet policy ←			



MAP

MINISTRY OF NATURAL RESOURCES PLANNING REGIONS.
ADMINISTRATIVE REGIONS AND ADMINISTRATIVE DISTRICTS



The progressive coordination and detailing of policies, objectives and, especially, targets down through the planning area hierarchy represent the means whereby the Ministry's province-wide policies are transmitted ultimately to its districts. The district targets represent the hard, usually quantified core of the district plan guidelines, the explicit statements of ends to be attained and to be taken into account when reaching decisions to allocate natural resources, initiate projects or undertake management programs. Therefore, analysis of the targets themselves, their method of derivation, and the key assumptions on which they rest provides the clue to identifying fundamental ends of the Ministry's land use planning and the balance accorded by the planning to economic, social and natural environmental matters. Problems with targets underlie many of the deficiencies evident in the plan documents themselves.

Weighting of Social, Economic and Natural Environmental Objectives

The weight and balance that the government places on economic, social and natural environmental objectives shifts over time and may not be explicitly expressed. The planners, confronted with the task of correctly gauging the government's current mood, and therefore determining what will be acceptable and what will not, have affirmed the overriding importance of meeting economic objectives. The eighth planning principle states that plans must ensure "that the most efficient use is made of land," going on to emphasize that the optional plan which "would permit the achievement of all the objectives at lowest cost would generally be the best plan." Here, the Ministry is affirming that its "optional land use plans must be evaluated on their long-term economic efficiency."

Generation and Evaluation of Options

The Ministry of Natural Resources' land use planning process calls for the generation of options and stipulates that "full disclosure is given of the consequences and trade-offs associated with each option." This principle is fully consistent with procedures under the *Environmental Assessment Act*, which require a proponent to show that the environmental effects of various alternative courses of action were identified and evaluated before one of them was selected and put forward as the undertaking. The failure of the Ministry of Natural Resources to effectively implement this principle of its own in this instance is a central theme of the Commission's evaluation.

Flexibility Over the Long-Term

The fifth planning principle is that "Plans must be made for a long term and should provide for future options." The fourth reinforces this by affirming that "Planning is a dynamic process.... and must be sensitive to changing conditions and new information." In effect, choices are meant to be left open to accommodate both unforeseen circumstances and the needs of future generations and, therefore, land use planning must continue on beyond the production of district plan documents to monitor their implementation and if necessary to review and revise them.

These principles are laudable, and should be adhered to. However, the Commission's research and the Ministry's internal evaluation of its land use planning for Northwestern Ontario and Northeastern Ontario cast doubt on the flexibility of the plans, if implemented, to accommodate future options to a significant degree. The Ministry's own target setting, for example, demonstrates that the development potentials of biological resources in Ontario's vast remote north are not only finite but can become fully utilized over a short period of time. And, without proper management and conservation, these potentials could become readily exhausted.

Environmental Limits to Development and Use

The ninth planning objective establishes that "Plans must recognize that the natural environment has a limited capacity to provide long term benefits and to withstand use." The Ministry introduces the concept of capacity to denote environmental limits on development and use of biological resources and, in preparing its land use plans, establishes capacity standards as a basis for calculating the supply of these resources that can be sustained over time. Moreover, as the *Guidelines for Land Use Planning* note, the Ministry recognizes that "capacity does vary according to the level of management" and that therefore "the assumed level of management for each capacity standard chosen must be explained."

But the Ministry has placed detailed consideration of resource management beyond the scope of land use planning. Its regional and district plan documents can deal with the management assumptions associated with the capacity standards set for particular biological commodities in only a superficial and unquantified manner. And, as later discussion shows, the planners evidently assumed that management intensities for such commodities as timber and fur-bearers would be applied uniformly across the district or large parts of it and not adjusted to reflect variations in such factors as capability, habitat, and competing uses. Finally, the documents establish production targets for many biological commodities at levels equivalent to or approaching specified productive standards.

How then, given these uncertainties about the relationships between standards, management, and targets, can the decision-maker or reader be confident that the standards, general management prescriptions, and targets presented are realistic, appropriate, and attainable? Reservations about these matters lay open the very core of the planning to serious question.

Beneficiaries of Land Use Planning

While the seventh principle asserts that "the public good must take precedence over the individual good," the *Guidelines* shed no light on two related questions crucial to this Commission. Who are to be the primary beneficiaries of the Ministry's planning? To what extent are the concerns of local people, particularly native people, to be taken into account in the plan documents or to be accorded priority in development?

Resolution of this issue clearly lies beyond the Ministry's mandate. It is not surprising that, when the plan documents attempt to confront it, they do so in an ambiguous and equivocal manner. Nevertheless, the Ministry has since 1974 adhered to a contentious policy of protection for local and traditional users that guided officials in their routine operational decisions. That policy was to restrict disposition of public lands north of the 11th baseline in the northwest, north of the Albany River in the centre, and north of the 7th baseline in the northeast in order to prevent over-exploitation and resource use conflicts.

The Ministry now appears to adopt the position that completion of the district land use plans-guidelines in the north would enable it to make allocation and management decisions case by case on the basis of existing use and resource potential considerations, tempered by public consultation, and that the public land disposition policy would hence become redundant. The Ministry's stance on local and traditional users is of central concern to my Commission. In effect, the disposition policy, though admittedly ad hoc, accorded a measure of priority to native people in the allocation and management of natural resources in the northern part of Ontario North of 50°. Its abandonment could open the door to development of the remote north by outside, non-native interests, particularly tourist outpost camp operators, and could prove to be a particularly explosive issue across the north.

The Land Use Planning Process

Policy Development

The Ministry of Natural Resources' *Guidelines for Land Use Planning, 1980* set out a seven-step land use planning process to be applied through the hierarchy of planning areas (Figure 2).^{*} As the Guidelines point out,

^{*}Steps 6 and 7 may no longer be relevant, now that the district plan documents have been relegated to "guideline" status.

"The full planning process is not carried out at all levels. The main purpose of the provincial plan is to give policy direction to the regions. The main purpose of the regional plan is to give policy direction and some area designations to the districts.... At the district level of planning, policy must be translated into a land use plan and as a result the entire planning process must be completed."

The essence of the process is embodied in two key tasks which are the focus of the following discussion. The first entails policy development and policy refinement through testing. The second calls for the transformation of policy into spatial terms, in the forms of first optional plans, then a preferred option, and finally an approved plan. Policy development at the provincial level is government's prerogative and takes place largely outside the ambit of land use planning. The provincial land use plan synthesizes provincial policies and assigns the associated objectives and targets to the Northwestern Ontario, Northeastern Ontario and Southern Ontario planning regions. At the level of the planning region,

"Policy is developed by testing the proposed targets through public participation and by calculation of the capacity of the region to produce desired benefits. If the proposed targets are unacceptable then alternatives must be proposed, evaluated and negotiated with the provincial level. If the policy is acceptable a conceptual plan is developed and targets are assigned to districts."

Policy development at the district level takes place in the same manner except, of course, that negotiations are conducted with the regional level. As the *Guidelines for Land Use Planning* state,

"The essence of a district plan is an identification of appropriate land and water areas for the various Ministry programs. For Crown land the plan must provide for all government programs. For private land the plan must identify those land and water areas which are critical for achievement of the Ministry of Natural Resources programs.

"Ultimately the plan must be compatible with other agency plans including those of the Conservation Authorities and the plans of the municipalities."

A Seven-Step Process

The first step entails establishment of the terms of reference for the plans by identifying the primary clients, the decision makers, the work program, and the schedule of events for public participation.

The second step calls for the collection and analysis of information in order to establish natural resource, present use, and existing plan parameters for dimensioning the resource supply component in the plans. Supply potentials for future development are derived by deducting present use and the land and water requirements associated with existing plans from the total potential level of supply or production. The Ministry acknowledges a special obligation to integrate the Crown land requirements of other government agencies with those of its own program fields.

The third step, policy development, brings together, compares and reconciles two streams of earlier work: on the one hand, the policies, objectives and targets assigned for individual program fields by work at the next higher level in the hierarchy and, on the other, the potential production measures derived from the second step. Since the targets represent demand for programs (i.e., for goods and services), this third step calls for a comparison of supply and demand measures for such individual commodities as timber, fur, and recreation. The methodology used is referred to as single-factor target testing. Through its application at both regional and district levels, targets may be considered acceptable if they do not exceed total potential production and if they are not opposed on strong social grounds.

The fourth step in the planning process entails the generation and evaluation of a conceptual plan that will approximate the final plan. According to the *Guidelines for Land Use Planning*, the conceptual plan is to be derived first by preparing a series of optional conceptual plans and second by evaluating these options and selecting a preferred one. For generating optional plans, the Ministry planners devised a procedure known as multiple-factor target testing in order to determine whether all targets can be achieved collectively and without conflict from the available resource base. The test embodies an iterative process for revision of amenity targets, economic targets and conflict assumptions until all program conflicts are resolved and all individual program targets can be met. Unfortunately, the district plan documents provide no evidence that this test was ever applied.

Optional plans are then to be evaluated and a preferred one chosen on the basis of criteria stated in the *Guidelines* as follows:

"Since each conceptual plan to be viable must meet all the targets, the only difference between them would be economic costs, social preference, future options and whatever environmental impacts are not accounted for in the targets. The planner must describe all these variables and clearly portray these to the decision makers who will make the choice.

"It is suggested that, all other things being equal, preference be given to plans that:

- (a) cost least to implement;
- (b) maintain most future options;
- (c) are most acceptable socially;
- (d) cause least environmental damage."

For the regional planning, this step is the concluding one. The finally approved conceptual plan for the region provides a framework for further articulation at the district level and the reconciled targets are assigned as a prerequisite for generation and evaluation of options by the district planners.

In the case of the regional planning for Northwestern Ontario and Northeastern Ontario and the planning for West Patricia and perhaps some other districts, the actual application of this fourth step diverged markedly from the above guideline prescriptions in several crucial respects. At the regional level, the planners carried out target testing and option generation as an entirely in-house exercise. However, the procedures followed and the evaluation criteria used are not documented in the approved regional plan reports. The public was not provided with any explicit accounting of how the conceptual plans for the regions were devised and evaluated or how the targets ultimately assigned to West Patricia and other districts were set.

In the case of West Patricia, target testing and the generation of options took place only in a truncated fashion. The planners were unable to produce any optional conceptual plan that could achieve all program targets. Yet, a fundamental principle of the planning system is that a plan, to be feasible, must meet targets to the maximum extent possible. And so, instead of applying the valid evaluation criteria set forth in the *Guidelines*, the planners had to evaluate options and select a preferred option solely on the basis of degree of target achievement. Neither the decision makers nor the public were provided with an accounting of the consequences of the options in social, economic, and natural environmental terms.

The *Proposed Policy and Optional Plans* documents for the West Patricia area and districts across the north, released in June 1982, record the results of the land use planning process to the end of the fourth step. The fifth step calls for development of the land use plans for the districts through refinement of the preferred conceptual plan. The refinement process entails further specification of internal zones and prescriptions and analysis of the public's response to the options offered. In the case of northern Ontario, targets and other prescriptions for the individual districts were compared and reconciled through synthesis. The Minister of Natural Resources reviewed a draft of

the plan guidelines for each district and discussed it with the district manager. After modification through this internal review, the *Land Use Guidelines* for each district except West Patricia were completed and published.

The Ministry's land use planning process appears to have been truncated at the termination of the fifth step. Given the guideline status of the published reports, further consideration of steps 6 (Review Procedure) and 7 (Plan Approval and Implementation) appears to be irrelevant and redundant.

Planning Phases and Products

Strategic (Regional) Land Use Planning

The *Northwestern Ontario Strategic Land Use Plan* and the *Northeastern Ontario Strategic Land Use Plan*, both published in the spring of 1982, constitute the products of the land use planning process for the two northern planning regions. These plans, which were approved by the Ministry of Natural Resources, established the framework of policies, objectives, and targets for planning in the West Patricia area and districts elsewhere across the north.

These regional strategic plans were the outcome of a program of inventory, analysis, and public involvement spanning almost ten years. The Ministry originally foresaw that this process of progressive refinement of policies, objectives and targets at the regional level would be carried out in three phases, each involving release of a document that would form the basis for further review, research, and consultation. The phasing actually implemented differed somewhat from that originally set out.

In the case of northwestern Ontario, the first phase culminated in the document *Background Information and Approach to Policy* in September 1974, the second in *Proposed Policy* in September 1977, and the third in *Strategic Land Use Plan* in June 1980. This third document was not accepted as the final plan; instead two further years of refinement ensued before the approved strategic plan was released. The planning for northwestern Ontario thus went through three cycles of public involvement.

In northeastern Ontario, the process was truncated so that only two cycles of involvement were implemented. The first phase culminated in *Background Information and Approach to Policy* in June 1978, the second in *Proposed Strategic Land Use Plan* in March 1980, and the third in the approved *Strategic Land Use Plan* in April 1982.

The 1980 plan documents for the two planning regions provided statements of policies, objectives, and targets that were judged to be superficial and incomplete. Their deficiencies reflect both the paucity of data, particularly for the more remote areas, and a lack of staff experience in specifying planning principles, policies and operational strategies at the regional level and in conducting effective public participation.

Meanwhile, as early as 1977, the Ministry of Natural Resources was mounting a major program of resources inventory and analysis to accommodate the special planning requirements for the West Patricia area. And, by 1980, the Ministry was deploying greatly augmented staff and financial efforts towards data collection, analysis, public consultation, and the fleshing out of objectives, strategies and targets for regional and district land use plans across the north. Accordingly, the 1982 approved regional plans represent a vast improvement over the earlier draft versions.

District Land Use Planning

Land use planning at the district level, like that for the regions, was to have been carried out in three phases, each involving release of a report for subsequent public reaction. For planning purposes, the Ministry of Natural Resources has treated the West Patricia area, encompassing all of Red Lake and Sioux Lookout districts and a large part of Geraldton District, as a single district like others across the north.

Land use planning in the northern districts was initiated in the late 1970s. The first phase entailed the assembly and analysis of information concerning characteristics, potentials, and uses of natural resources. This was a particularly formidable and costly task, necessitated by the paucity of data previously available for planning. In the case of West Patricia, the detailed results of this inventory phase were made available in two forms: 40 technical reports on fisheries, wildlife, and heritage resources released during 1979 and 1980 and 27 background information reports published for wide distribution during the period 1978 to 1981. This first phase work was summarized in *West Patricia Land Use Plan: Background Information* released for public review in January 1982. Background Information reports were published for other northern districts, except Moosonee, over the period May 1980 to March 1982.

Following public response, the second phase culminated in the release of *Proposed Policy and Optional Plans* documents in June 1982 for West Patricia and other northern districts, Moosonee again excepted. Strategic (regional) and district planning meshed at this time; in the various reports for the two levels in the planning hierarchy, the statements of objectives and strategies

are compatible and the district targets for the individual policy areas are identical.

At this point, the phasing of the planning diverged from the process set out earlier. The third phase was intended to take into account public response to the options presented in the second for the preparation of a preferred conceptual land use plan, which in turn would be subject to public scrutiny before completion of the final district plans. This did not happen. The second phase documents offered instead what amounted to a preferred option, a "compromise option that best portrays a balance of target achievement for all Ministry programs". These documents were the focus of the second, and last, round of public consultation, analysis, and internal review by the Ministry of Natural Resources. In the Ministry's words,

"Following the completion of the District Land Use Plans, the degree to which targets are achieved will be reviewed across the Planning Region. Where necessary appropriate revisions to the targets and policies will be made at both the strategic and district levels.

"...a final plan will be prepared which will maximize objectives while minimizing land use conflicts within the District. The approved District Land Use Plan will then provide, for the District, overall guidance for the operation of the resource management programs of the Ministry of Natural Resources."

The *Land Use Guidelines* were published in early 1983 for the following districts that project into Ontario North of 50°: Kenora, Dryden, Ignace, Nipigon, Hearst, Kapuskasing, and Cochrane. At the Commissioner's request, the Minister of Natural Resources agreed to withhold completion of the *Guidelines* for the West Patricia area until the Commissioner has made his recommendations. The Ministry's planning for Moosonee District, which includes the Hudson Bay and James Bay Lowlands, has lagged considerably behind that for the other northern districts and is still in progress.

**WEST PATRICIA LAND USE PLAN:
PROPOSED POLICY AND OPTIONAL PLANS**

Scope of the Commission's Review

The Royal Commission on the Northern Environment has reviewed the unfolding of the strategic and district land use planning across Ontario North of 50°. This review has focused on West Patricia for two reasons: first because this area epitomizes the major social, economic and natural environmental issues arising from increasing development impacts on the natural resources,

resource utilization patterns, and settlements of the Boreal forest and Shield environments of Ontario North of 50°, and second because land use planning for the Lowlands, the second main component, is still in its initial stages. The northward advance of the leading edge of more intensive development into the southern part of the area has been accompanied by new urban settlements, resource extraction on a large scale, and some devastating consequences for the original native inhabitants. Its expansion into the less easily accessible and more remote parts of West Patricia would impinge increasingly on fragile environments and on the natural resources available for wilderness outpost tourism, commercial trapping and fishing, and subsistence activities. The Commission is obliged, by its terms of reference, to assess the implications of the land use planning with respect to these issues.

Because the final land use guidelines for West Patricia have not been published, the Commission's review has had to centre on the most recent report available, *West Patricia Land Use Plan: Proposed Policy and Optional Plans*. Option D, the option preferred by the Ministry of Natural Resources, has been assumed to be the one most likely to approximate the final guidelines.

The review opens with a discussion of this document's contents, then provides a brief summary of what it has to say about the geographic pattern of future development in the area, and concludes with a somewhat technical treatment of major issues pertaining to target setting, the generation of optional plans, the criteria for evaluating options, and operational strategies for meeting objectives.

Characteristics and Contents

Proposed Policy and Optional Plans is the product of a process that has transmitted to West Patricia a provincial perspective on the allocation and management of the area's natural resources. The broad intent is to identify the lands and waters necessary to achieve the Ministry's programs for the year 2000. The hard core of the document's prescriptions is defined by the objectives and, in particular, by the allocation targets set for individual activities over which the Ministry has jurisdiction. These objectives and targets, and the broad operational strategies needed to attain them, are articulated both for the area as a whole and for its component zones, as delineated on end-paper maps. The document does not present explicit, substantiated strategies for trading-off between activities competing for a common resource base or for attaining simultaneously all objectives and targets; instead, such strategies are accorded extensive, non-quantified, descriptive treatment.

West Patricia Land Use Plan: Proposed Policy and Optional Plans, released in June 1982, is a massive report consisting of 368 text pages and four-end paper maps showing the zone divisions

for each option at a scale of approximately 13 miles to 1 inch. The report has six sections entitled *Introduction*, *Methodology*, *Proposed Policy*, *Optional Land Use Plans*, *Public Input*, and *Appendices*. Three-quarters of the text is devoted to a discussion of the plan options.

The *Introduction* provides merely a summary statement of land use planning in the West Patricia area in the contexts of the strategic land use plan for Northwestern Ontario and the Ministry of Natural Resources' land use planning program as a whole.

The section on *Methodology* is a two-page summary of the Ministry's methodology for single-factor target testing, trading-off among conflicting land-use program areas (activities) and generating optional land use plans. The single-factor target test was applied to assess the attainability of district targets set in the approved strategic land use plan for northwestern Ontario in the light of better resource information available at the district level. In the Ministry's words, "at this stage, competition for the land base between various Ministry programs whose uses may be incompatible are not considered." The results of the testing led to adjustments in the district and regional targets.

With respect to trading-off between competing activities, the report offers no explicit methodology. Yet Ministry planners had developed an elaborate multiple-factor target test, "in which the single factor requirements of each program are compared collectively to determine the degree of compatibility in target achievement within the District (i.e., is there enough land to satisfy all program objectives)". This test could illuminate and perhaps quantify major tradeoff issues. However, nothing in the report's text suggests that it was actually applied. The Ministry's optional land use plans are essentially the alternative compromise that it offers towards addressing the problems of competing demands for a common natural resource base. Each option in effect maximizes target achievement in at least one of the Ministry's main program areas.

The report's third section, on *Proposed Policy*, deals first with ten general policies¹ and then with fourteen particular policies² corresponding to the Ministry's program interests. The

¹The public interest, environment, multiple use, access roads, forest reserves, Crown land disposition, hazard lands, water management, fire management, and energy.

²Residential development, industrial and special development, agriculture, mineral management, wildlife, commercial fur, wild rice, fisheries, Crown land recreation, Crown land cottaging, tourism, provincial parks, forestry, and sensitive areas.

general policies apply throughout the Northwestern Ontario planning region. The statements for particular policies have four components; first, a summary of the regional policy and the targets assigned by the regional plan to the districts within the West Patricia area; second, a synopsis of current resource utilization and associated issues in West Patricia; third, a discussion of supply and demand and their implications for target achievement; and fourth, a general operational strategy for attainment of objectives and targets.

The report's fourth section on *Optional Land Use Plans* describes, compares and evaluates four options, differing in their policy-area prescriptions for the Red Lake, Sioux Lookout and Geraldton components and, where appropriate, for zones within these components. All targets could not be attained simultaneously from the planning area's resource base; no single optional plan could satisfy all of the Ministry's program objectives. The optional plans illustrate the trade-offs confronting the Ministry. Options A and B maximize the objectives of the provincial park system at the expense of resource production objectives. Option C maximizes resource production objectives at the expense of park objectives. Option D is offered as a "compromise option that best portrays a balance of target achievement for all Ministry programs".

The report's description of optional plans is presented in overview summaries of each option, in tables highlighting target achievement and impacts of programs on each other for each option, in a detailed statement on land use activities by zone for Option D, and in a comparative evaluation of the four options in text and tabular form.

The fifth section on *Public Input* solicits responses and contributions from the public that would assist the Ministry in the preparation of the final land use plan for the West Patricia area. The sixth section, *Appendices*, consists mainly of summaries of the Ministry's public participation program and the responses to the *Background Information* report for the West Patricia area.

Common Elements in the Substance of the Optional Plans

Proposed Policy and Optional Plans does not convey, in graphic or verbal form, a clear spatial picture of the four options' main resource allocation thrusts, operational strategies, future land use patterns, trade-off implications, and differentiating features. The Commission found that it could not grasp, without considerable effort, what it is that these optional plans are prescribing.

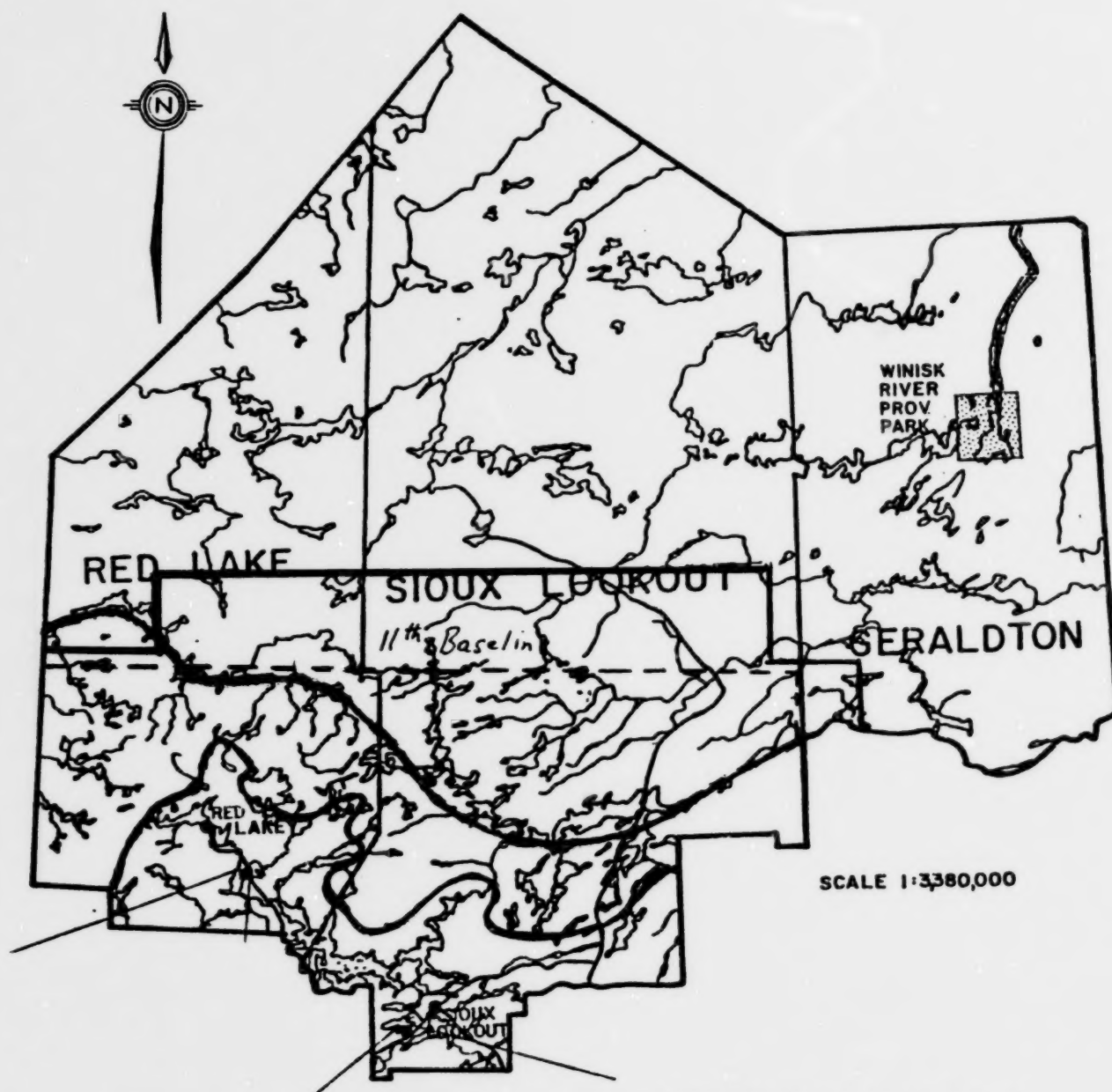
This deficiency is mainly attributable to the sectoral, activity-by-zone approach adopted for presentation, an approach stemming from the Ministry's program-area focus in its planning. The plan document's prescriptions for the eighteen specific resource-based activities considered are presented for a large number of zones, ranging from fifty for Option C to ninety for Option B. In short, a conceptual grasp of the spatial thrust and substance of the plan options could only be derived by synthesis and aggregation of several thousand variables. For this reason, one would expect most public response to the plans to comment on their individual sectoral, activity or zonal components rather than on the concepts and principles underlying the plans as a whole.

The Commission's analysis sought to clarify the broad similarities and differences associated with the four optional plans presented for the West Patricia area. It demonstrated that these plans share most elements in common and, indeed, would be almost identical were it not for considerable differences in the location and extent of the park lands that they allocate and minor variations in the outer perimeter of the area within which timber harvesting would be encouraged or at least permitted.

These common elements can be illustrated in generalized fashion by three overlapping lines (representing transitions) extending across West Patricia and by the zones that they delineate. Criteria for positioning these lines included biological resource capability, patterns of settlement and existing road access, the current type and intensity of resource use and, of course, the optional plan prescriptions. Park allocations are unique to each option.

The southernmost line defines the outer edge of a road access envelope that includes all non-native settlements, almost all year-round roads now in existence or authorized, and all "allocation areas" already earmarked for timber harvesting in the near future. Although two main road salients project beyond the envelope towards Pikangikum and Windigo Lake, the line itself can be considered to represent the western limb of the advancing leading edge of extensive and intensive development and non-native settlement in Ontario North of 50°.

This envelope is the most highly developed part of West Patricia; it contains, for example, all areas that are now or have been under active timber harvesting, major mining camps, and the greatest concentrations of tourist base lodges and cottage subdivisions. According to the plan document, commercial resource production for timber, minerals, fur, wild rice and non-sport fish species will be encouraged or permitted, with appropriate controls being exercised to protect scenic, recreational and other important values. The document seeks to strike a reasonable balance between commercial tourism development and public recreation on Crowns lands. However, in this area, use pressures



West Patricia

NORTHERN LIMITS OF:

- Forest Access Roads
- Potential Commercial Timber Harvesting
- Strong Angling and Hunting Pressures



have imposed the greatest stress on the sport fish and wildlife resources so important to tourism and recreation. Most of the lakes are now being fished at intensities at or above their annual productivity levels and much of the area is being over-harvested for moose. Consequently, any anticipated expansion in the tourism industry will be confined mainly to enterprises promoting water-based and backcountry activities other than fishing and hunting.

A second line marks the outer perimeter of the area within which, according to the plan document's proposals, timber harvesting for commercial and personal purposes would be encouraged or permitted. This is the area that has been covered by the Ministry's forest inventory program. It is considered to contain most of the hitherto unexploited stands of merchantable timber remaining in the northwest. The line encloses the originally proposed "Reed" tract as well as all currently demarcated company and Crown forest management units.

The southernmost part of the area bounded by the line consists of the road access envelope and hence is subject to the development constraints and opportunities described above. Farther north, a diversified array of resource production activities is to be encouraged or permitted: forestry, mining exploration and development, commercial fishing, trapping, and wild rice harvesting. Most of this northern area offers opportunities for major expansion of commercial tourist lodges and outpost camps based on angling, hunting and other activities, although some parts of it, adjacent to the access envelope, have experienced severe pressures on sport fish and moose. Extensive tracts of land and water immediately beyond the access envelope have been assigned a priority for Crown land recreation. Guidelines for forest reserve buffer zones (now known as "modified management areas") along access roads and shorelines are to be applied, as appropriate, to protect significant aesthetic, recreational, wildlife and other values.

A third line, crossing West Patricia from the Manitoba boundary at the Berens River to the western border of Geraldton District at the Albany River, represents a transition zone between areas having different potentials for new tourism development. This line passes through both lands that have been designated for expansion of timber harvesting and lands situated beyond. The sport fish and wildlife resources of the area to the south, adjacent to the road access envelope, have come under stress because of heavy utilization pressures. Here, the growth of tourism and outdoor recreation based on these resources is approaching its limits. On the other hand, the more remote area to the north offers opportunities for considerable expansion of the tourist lodge and angling and hunting camp industry and recreation. Even here, however, the scale of such opportunities is not unlimited. It should be noted that the sport fish populations of a considerable number of remote lakes, concentrated

in the western part of this northern area, are now being exploited at or near the sustained yield levels.

For that part of this "more-remote" north lying beyond the edge of the "Reed" tract, the Ministry's document stipulated, with little further elaboration, that "the importance of this area to traditional users will be recognized". With respect to the non-inventoried forest north of 50°22'30", the document notes, perhaps ominously, that "At present no forest management plans have been prepared nor have timber and mill licences been issued" and goes on to state that,

"In the remaining zones of the Planning Area, a 'Community Forest' will be established as required which will provide for the future timber requirements of the settlements and residents located in this area. This will necessitate the establishment of management plans with the timber being allocated on the basis of a licence."

The document proposes that this northern area, apart from designated park lands, be made available to a full range of resource production and tourism activities as deemed appropriate given resource and other considerations and that, over most of the area, road construction be "permitted to access resources", subject to restrictions "imposed to protect fish and wildlife and tourism values". However, it proposes that the area situated to the west and northwest of the "Reed" tract and extending to the Manitoba border remain roadless in order to promote the interests of fly-in, outpost camp tourism.

Target Setting

Principles

The Ministry of Natural Resources' land use planning process has served to transmit provincial policies down through a hierarchy of area levels to the districts. The process of transmittal has been iterative to a degree, allowing for modification of policies, objectives, and targets through testing, negotiation, and analysis of public response. Nevertheless, the policies, objectives, and targets embedded in the district plan documents articulate a provincial perspective on development and not a local one.

The Ministry considers the most feasible and acceptable plan (or "guideline") to be the one that maximizes attainment of objectives and targets. Targets are to be achieved. Only a single set of district targets was generated. The targets for West Patricia and other districts were established on the basis of measures for relationships between resource supply potentials, demands for resources, and current resource utilization levels. The only really "hard" quantitative data contained in *Proposed*

Policy and Optional Plans are those pertaining to these four elements - potentials, demands, utilization and, of course, the targets themselves. Collectively these convey the essence of the plan proposals.

The Ministry of Natural Resources asserts that its overall planning approach is comprehensive and balanced. It has this to say concerning the criteria governing its programs, including its land use planning:

...the Ministry of Natural Resources' programs are governed by chief concerns of economic efficiency, overall social benefits and environmental protection, harmoniously balanced to serve both public and private interests. Such concerns preside over all the considerations and proposals which make up the Strategic Land Use Plan."

At first sight, both the approved strategic land use plan for the Northwestern Ontario planning region and *Proposed Policy and Planning Options* for West Patricia convey the impression that the Ministry has indeed provided a comprehensive and balanced treatment of its resource development, conservation, protection, and recreational interests and responsibilities. Such an initial impression would be deceptive, however; more thorough examination shows that both documents place an implicit, fundamental and pervasive emphasis on development through large-scale natural resource production, particularly timber harvesting and mining, and on establishment of park land. The clue to this comes from analysis of the targets set, their derivation, and their key underlying assumptions.

In none of its planning documents does the Ministry of Natural Resources make any explicit statement about any fundamental policy principle underlying the setting of targets. That such a principle was, in fact, adhered to can be ascertained only by inference from quantitative evidence contained in the reports themselves. This implicit principle can be stated thus: *Targets represent demand for resources in the year 2000, subject only to constraints imposed by resource supply.* In the case of activities dependent solely on production from renewable biological resources, this principle can be reformulated as follows: *Demands anticipated in the year 2000 for products from biological resources will be met, subject only to the limits set by the optimum sustainable yields associated with these resources.* The Ministry of Natural Resources defines optimum sustainable yield as "the maximum level of resource harvest which can be sustained on a long-term basis without causing detrimental effects on the resource base". The Ministry also uses the term "capability" more or less interchangeably with "sustainable yield"; capability is the "natural ability of an area to provide continuous opportunity for benefits under an assumed level of management".

Measures

The West Patricia document differentiates fourteen policy areas comprising twenty-two separate resource-based activities, or sectors. Of these activities, eleven depend exclusively on the utilization of renewable biological resources, five depend partly on renewable biological resources and partly on other resources, and six depend entirely on non-renewable resources and other non-biological supply factors. Firm, quantitative targets have been established only for the first of these categories, i.e. activities involving the production of biological commodities. In the case of the other categories, demand in the year 2000 has not been firmly established, or has been established but not in terms satisfactorily translatable into definable extents of land or water resources, or is simply irrelevant.

The demand-supply relationships and associated targets of the eleven activities dependent exclusively on renewable biological resources are considered first. In the case of three of these activities (moose hunting, caribou hunting, and lake trout fishing), the demands anticipated in the year 2000 cannot be fully met because of constraints imposed by sustained yield; the associated targets have therefore been set at the sustainable yield level. In the case of three other activities (forestry, trapping for beaver, bear hunting) anticipated demands approximate sustainable yield and can be met, assuming that extensive areas of supply are not withdrawn for park or incompatible uses. For four more activities (commercial fishing, sport fishing, wild rice harvesting, and small game and waterfowl hunting), anticipated demands are less than sustainable yields, so that targets representing demand can be met, again assuming no extensive resource withdrawals. In the case of the eleventh activity (rare and endangered species), protection is the objective and targets are not applicable.

Five activities (tourism, provincial parks, Crown land recreation, Crown land cottaging, and sensitive areas) are dependent in part on renewable biological resources and in part on such other resources and qualities as remoteness, general scenic amenity, land and water patterns, archaeological and historic interest, and varied or special plant and animal populations and habitats. The demands, supplies, and demand-supply relationships governing these activities are less readily expressed in the form of quantified targets that can be related to targets associated with the biological commodities. Nevertheless, the statements of objectives and targets for these activities show that, here too, demands are to be met subject only to limitations imposed by resource supply and sustainable yield.

Tourism and outdoor recreation in Ontario North of 50° depend in large part on supplies of moose, sport fish, and small game and waterfowl. Supplies of moose will probably fall short of the

anticipated demand, while supplies of the other commodities will likely be more than adequate to meet demands, though not in all parts of West Patricia. While targets for parks are generally expressed in representational terms or terms of user satisfaction, rather than in terms of specified quantities of resources, the optional plans for West Patricia each delineate specific areas for designation as parks in the various categories of the park system classification. Targets for outdoor recreation in parks have been expressed in terms of level of service desired, rather than in terms of land and water resources needed. Targets for outdoor recreation on Crown lands have not been set. For these reasons, the plan document cannot effectively integrate the requirements of this sector with those of other sectors.

Finally, six activities are based on such non-renewable resources as mineral deposits or suitable soils, or simply on the availability of appropriately located land; these are mining (for metallic minerals, mineral aggregates and peat), agriculture, residential development, and industrial and special development. Realistic quantified targets for the three mining activities cannot be established with any accuracy at this time because of incomplete information on mineral resources and the uncertainty of world and local demands. Even so, the objectives for mining, too, stipulate that increases in demand will be met, subject to constraints imposed by supply, market conditions, transportation and extraction costs, and a host of other factors. Road access to mining camps may increase pressure on resources used for other activities, but the land required for mining operations will not be extensive in Ontario North of 50°, nor will the land requirements for agriculture, residential development, and industrial and special development.

Achievement

Since valid district targets, by definition, may equal or fall short of resource supplies, but never exceed them, single-factor target testing will always show that each individual target can be met. However, *Guidelines for Land Use Planning* stipulates that all optional plans and preferred plans must provide for meeting all targets collectively as well as individually. In the case of West Patricia, vast though it is, the planners were unable to develop even one option that met this criterion satisfactorily. Instead, they produced four optional plans, two to maximize park system objectives and targets, one to maximize resource production objectives and targets, and a fourth to strike a compromise between the extremes.

The planners addressed this difficulty over target achievement in three ways that jeopardized a satisfactory outcome for the planning. First, they polarized the various resource issues requiring resolution into one central trade-off issue, that of parks (particularly wilderness parks) versus resource production (particularly timber production). Secondly, by so

doing, they downplayed the importance of other pressing issues. Finally, they established, as almost the sole objective "hard" measure for comparing and evaluating options, the degree to which each option is able to satisfy park targets on the one hand and resource production targets on the other. All three points can be substantiated by evidence in *Proposed Policy and Optional Plans*.

Tables 3, 4, 5, and 6 in *Proposed Policy and Optional Plans* show what that report refers to as "the major distinguishing features" of optional plans A, B, C, and D. Table 7 shows target achievement by option for each of the component districts in the West Patricia area. For each main program of the Ministry (except tourism and Crown land recreation), the tables summarize the target, the impact of other programs on the target, and the resulting target achievement expressed as a percentage. The four outstanding features revealed by this assessment of cross-impacts between sectors are discussed below.

First, for all programs except timber harvesting, all shortfalls below full target achievement are attributed to the withdrawal of resources in the candidate parks. For the timber program only, all shortfalls are attributed to withdrawal of resources in both candidate parks and road and forest reserves. As one would expect, the resource production programs impacted are those for which targetted production levels will be at or almost at the optimum sustainable yield of the renewable biological resources on which they depend. In effect, the targets for all of the Ministry of Natural Resources' resource production programs and other non-park programs could, following the Ministry's assumptions, be achieved were it not for the superimposition of the extensive park candidates and much smaller areas of road and forest reserve on the patterns of resource potential; the candidates are apparently to be regarded as the main impediment to the satisfaction of resource production targets. The converse, of course, is also true: park targets could be fully attained were it not for the resource production, chiefly timber harvesting, targets.

Second, this polarization diverted attention away from other important issues of cross-impact between such different resource production programs as timber harvesting, wildlife, and trapping and between resource production programs and such other program areas as tourism and outdoor recreation. While timber harvesting, for example, might be expected to impact on the attainment of beaver trapping targets, which have been set at a level approximating sustainable yield, the tables suggest that it does not. The park program is the only one that is portrayed as affecting target achievement for beaver. The treatment thus suggests, by implication only, that timber harvesting can be done in such a way that it need not affect the habitat or sustainable yield for beaver. *Proposed Policy and Optional Plans* offers no tangible evidence that this is feasible; other evidence before

the Commission has indicated that it is not. The failure of the report to address the impacts of each program on each other program sows doubt that the levels of target achievement specified for all resource production programs could be collectively attained, even if withdrawals by the park program were discounted.

Third, the land use planners were forced, in the case of West Patricia, to abandon the more comprehensive set of social, economic, and environmental criteria outlined in *Guidelines for Land Use Planning* for evaluating options by the imperative imposed that targets must be met to the greatest extent possible. In effect, they had to fall back on a single, narrow criterion, namely reconciliation of target achievement for parks and for resource production.

Validity

In the case of West Patricia, target setting for individual sectors and trading-off to resolve cross-sectoral issues involving competing demands for a common resource base appear to rest on an insecure foundation. The West Patricia planners were able to specify target measures for only half of the individual activities considered in the report. Targets for most of the other activities remain unquantified because of data limitations; in the case of a few activities for which protection is the primary objective, quantification would be inappropriate. Moreover, the target values actually specified for individual activities - almost all of them based on biological resources - remain open to serious question since they are related to optimum sustainable yield and hence to the level of management associated with that yield. Yield varies according to level of management, a subject not dealt with in sufficient detail in the plan to confirm that the targets set are the "right" ones or that they can be feasibly attained.

Moreover, as already noted, the implication that the levels of target achievement specified can be met collectively as well as individually is difficult to defend. The Ministry's multiple-factor target test was applied in at best a rudimentary fashion. And the report deals with management strategies in descriptive rather than quantitative terms. Effective trading-off to resolve cross-sectoral issues requires three main pieces of information: good data on supply and demand, explicit management strategies for reconciling conflicts and mitigating adverse impacts, and a set of substantiated target values for the full range of activities considered in the plan. As this discussion has shown, the West Patricia plan document meets none of these prerequisites satisfactorily.

Treatment of Options

Procedural Constraints

Although the Ministry of Natural Resources' land use planning process provides for the generation of options, the procedural rules adhered to by the Ministry for the development of optional plans together imposed a crucial constraint on the ability of the process to produce a range of substantially different optional plans offering a focus for authentic public response and evaluation.

The first procedural rule stipulates that all optional plans should meet the single set of targets established in the regional strategic land use plan for all of the Ministry's major program areas. However, in the event that limitations on natural resource potential do not permit all targets to be met collectively, as is the case for West Patricia, then at least one option must be developed to achieve or maximize the targets of each individual program area.

The second rule - one that is implicit in the assumptions upon which the setting of targets rests - is that market demands on natural resources will be met, subject only to limitations that may be imposed by the potentials of the resources themselves to produce goods, services and amenity.

The third rule is that consideration of alternative resource management strategies for attaining the targets set - strategies differing considerably in kind and intensity - has been moved beyond the domain of the Ministry's land use planning and into that of its resource management planning.

Given these procedural rules, major variation between optional land use plans could occur only where natural resource potentials are substantially greater than the aggregate targetted demands upon them. While one might assume that these circumstances would most likely pertain to the more remote and less intensively developed parts of northern Ontario, the targetted anticipated demands for West Patricia would, in fact, generate utilization pressures at or near the optimum sustainable yield levels for many activities based on renewable biological resources. Moreover, the fact that the resource potentials of this or any other area are distributed in a fixed rather than haphazard geographic pattern further constrains the ability of the optional plans to portray significantly great variations in the land use patterns of the future.

For these reasons, the land use planning is clearly unable to produce a set of truly different land use plans, each distinctive in such attributes as dominant economic thrust, sectoral development emphasis, type and spatial distribution of resource allocations, operational strategies, and social, economic and natural environmental implications. In short, none of the Ministry's optional plans for the West Patricia area portend a

type of development that differs significantly from that which has already taken place in areas to the south of the advancing development "frontier".

Criteria for Differentiation and Evaluation

The West Patricia document has this to say regarding the substance of the optional plans:

"The main distinguishing features between the four options are in the treatment of the proposed parks and park areas of interest, the area available for resource extraction, the degree to which access will be controlled in specific areas, and the level of target achievement."

This statement suggests major differences between options that are not borne out by scrutiny. In all options, allocations to park land are treated merely as withdrawals of land that would otherwise be available for allocation to resource extraction. And, of course, the converse is also true. Distinctions between options on the basis of control over access have been overstated; they pertain only to variations associated with park candidates and a few zones bordering them. Finally, the statement obscures the fact that differences in level of target achievement in attaining Ministry objectives are not only a feature distinguishing options but are in fact the only relevant criterion actually applied for comparing and evaluating them.

Similarities and Differences

W Patricia Land Use Plan: Proposed Policy and Optional Plans portrays the substance of the four optional plans by means of maps, text, and tables, which are intended to be examined together. The maps show zones for which the differentiating factors are not stated but are presumed to include spatial patterns of natural resource potential, current utilization, and access variables. The zones vary between options in both boundary positions and numbers. The text for each optional plan outlines, for each sector, the "strategy" (management principles) prescribed for West Patricia and its component zones.

As regards target achievement by program (activity) for each of the four options, options A and B attempt to maximize attainment of park objectives, option C attempts to maximize production of renewable resources (timber, fish, moose, bear, beaver, and wild rice), and option D represents a compromise between attainment of park and resource production objectives and targets.

The significant differences in geographic pattern between options are in the location, number, and size of the candidate

parks. These differences are manifest in the amounts of resources assumed to be unavailable for resource production and for park-based activities, and hence in the varying levels of target achievements.

The impacts of the candidate parks on timber harvesting are confined to the "Reed" tract and other inventoried lands that together comprise a relatively small part of Ontario North of 50°; achievement of timber targets ranges from 85 per cent for option A to 95 per cent for option C. Targets for both sport and commercial fishing can be achieved in all options. Target achievement for moose, the most important game animal, varies between 89 per cent and 94 per cent, that for beaver from 88 per cent to 96 per cent, and that for wild rice from 88 per cent to 95 per cent. The candidate parks for the options are assumed to withdraw varying areas of high mineral potential from mineral production.

The location and configuration of the candidate parks exert impacts on target achievement for the tourist and outdoor recreation activities that can be pursued within them. Options A and B can meet targets for all of these activities, while options C and D fall short with respect to representational objectives and back-country, car camping, and day-use activities.

Shortfalls in the attainment of timber harvesting targets vary from option to option according to the timber volume assumed to be withdrawn from potential harvesting because of parks and because of reserves for protection of tourism, recreational and wildlife values. These withdrawn volumes are together equivalent to percentages of the target ranging from 5 for option C to 15 for option A.

Estimation of shortfalls for resource production programs seems to have been based on an assumption that such programs would be incompatible with park objectives. However, the Ministry of Natural Resources is now examining questions of the extent to which and how these programs can be implemented in parks without unwarranted sacrifice of park and wilderness values. An assumption that the parks would become available, at least in part, for resource production would enhance target achievement and probably reduce the disparities in achievement between options.

The four options resemble each other in that they are all based on an underlying thrust to satisfy demands for resource products to the greatest degree possible, consistent with resource supply potentials. The differences between options, based as they mainly are on a single criterion and rather rough-and-ready planning techniques, are not very great from the perspective of Ontario North of 50° as a whole, although they might be consequential from the viewpoints of both interest groups and local people living in one part or another of the West Patricia area. What was offered for public response was a limited insight

into some consequences of the parks versus resource production issue in West Patricia. What was not offered was a set of alternative scenarios differing greatly in their underlying assumptions about development. And the options that were offered were not evaluated and compared in the light of their likely social, economic, and natural environmental consequences.

Operational Strategies

The primary thrust and "hard" quantified core of the Ministry of Natural Resources' land use planning is expressed in the statements of objectives and targets (ends) to be attained at the district level. The Ministry asserts that its land use guidelines provide a framework, though not a replacement, for its resource management plans. Nevertheless, its concept of land use policy embodies notions of means as well as ends, and its land use documents use the term "strategy" to denote broad operational strategies (management principles) for attaining objectives and targets.

The greater part of the West Patricia plan document under review here is devoted to discussions of operational strategies related to both general and sectoral policy areas. These discussions draw extensively on the impressive practical experience of the Ministry's resource managers and scientists in a wide range of program fields. For this reason, they may well convey assurances that objectives and targets will be met through implementation of an array of technically, socially and economically feasible strategies and that the strategies deployed will bring about a desirable form of development. Unfortunately such assurances do not withstand closer scrutiny.

Implementation strategies, appropriately devised and applied, have the potential to lead, shape and stage development so that its patterns, type and intensity are more rational and beneficial and less adversely impacting than would otherwise be the case. A positive, comprehensive and carefully staged strategy for access roads, for instance, could play a key role in stimulating rational development in the West Patricia area, since pressures for resource allocation and use are transmitted along the road network. A comprehensive and proactive strategy for tourism development could bear similar fruit.

Such an approach calls for a measure of innovation not exercised in the West Patricia planning. Instead, the approach actually adopted could be characterized as permissive, demand responsive, vague and, to a degree, ad hoc. The following, randomly-selected extracts from *Proposed Policy and Optional Plans* illustrate the point.

"Plans for multiple use will be implemented directly on Crown land and will include all land including future

parkland. Any values to be protected ... will determine the appropriate uses to be permitted."

"Access will be provided and maintained consistent with approved land use plans, resource management plans, work plans, and approved operating guidelines. To ensure overall co-ordination, a multi-year plan for access will be prepared for each district."

"Forest reserves will be established ... to reflect values to be protected, as well as the primary management objectives for the area and its physical characteristics."

"The exploration for and development of mineral deposits in the Red Lake District will be encouraged ... By insuring that no land be withdrawn from staking until the mineral potential has been reviewed ..."

"In order to meet the commercial fish objectives, the following strategies will apply: ... ensuring adequate quotas are determined based on historic catch data or a standard partitioning of the MEI-determined potential yield."

"Timber extraction for commercial purposes and personal use will be permitted in all areas of the Planning Area having a forest resource inventory ... except proposed park areas and park areas of interest."

"In Red Lake District, access roads may be permitted in zones ... if development pressures warrant it. Restrictions may be placed on roads in these zones to protect fish and wildlife, tourism, and recreation values."

"The forestry objectives will be met by ... pursuing the fullest forest regeneration program on cutover and untreated lands as is technologically and economically possible in order to perpetuate the continuous supply of forest products."

Now there is nothing inherently "wrong" about such statements of intent. They impart a reasonably clear and comprehensive view of what is proposed to be done and where it is to be done. But they do not inspire a high degree of confidence. They do not specify how the strategies are to be operationalized, how much implementation would cost in monetary or other real terms, or how large and of what type the benefits arising are likely to be. In other words, the operational strategies set out in the West Patricia report fail to establish the technical, social, economic and environmental feasibilities of the targets set and, indeed, of the optional plans themselves. Instead, the reader is asked to

accept, mainly on faith, that the Ministry has the necessary dedication and expertise to implement its plans beneficially through application of its policies and programs.

Lack of specificity in dealing with operational strategies gives rise to a host of other fundamental and related misgivings about the optional plans for West Patricia. These misgivings have to do with the validity of targets, the applicability of target-testing methodologies for trading-off between conflicting activities, the generation of a range of truly distinctive plan alternatives, the comparative evaluation of plan implications, and the conformity of the planning to the procedural requirements of the *Environmental Assessment Act, 1975*. Most of these concerns are dealt with in greater detail elsewhere.

Implications of the Optional Plans

Pattern of Development

The substance of the optional plans for West Patricia punctures the myth of unlimited resources in the north. The planning program for this area was initiated and accelerated in response to widespread dissatisfaction over the prospect that past patterns of development in the north were about to be replicated and extended into ecologically and culturally sensitive environments. The public therefore has had every reason to expect that the land use planning would delineate, in at least one viable option, a pattern, form, and intensity of future development differing substantially from those of the past. The public's expectations are not met in *Proposed Policy and Optional Plans*. Implementation of any of the optional plans offered there would not transform the thrust of northern development to a significant degree. This outcome was probably inevitable, given the economic bias embedded in the targets, the imperative imposed to achieve targets, and the inherent limitations of the northern Boreal forest environments to sustain use at levels attainable farther south.

Clearly, in the report's scenario, market pressures for natural resources - pressures emanating in large part from outside Ontario North of 50° - are to continue to be the primary determinants of the resource allocations of the future. All optional plans for West Patricia encourage or permit expansion of mining activities and tourism development into the most remote corners of the area. All of them envisage an advance of commercial timber harvesting at least to the northern limit of the "Reed" tract. And they all allow for an extension of access road infrastructure throughout almost all parts of West Patricia. Finally, they give rather short shrift, in the "Reed" tract at least, to those traditional and local uses not strongly oriented towards an external market economy.

Implementation of any of the optional plans for West Patricia would bring major pressures to bear on Ontario's largest reservoir of untapped or sparsely utilized biological renewable resources. By the year 2000, the levels of optimum sustainable yield from these resources will have been reached by the targetted production associated with several important activities (forestry, trapping for beaver, moose and caribou hunting, and the lake trout fishery) and may have come under severe stress in the case of other activities (commercial and sport fisheries).

The optional plans for West Patricia appear to guarantee perpetuation of current resource trade-off issues and their expansion and intensification over the next two decades. The plan document does not say this, but offers no convincing evidence to the contrary. Indeed, it is noteworthy for its failures to account for the development consequences of its plan prescriptions in social, economic and environmental terms or to specify appropriate measures for enhancing benefits and mitigating adverse impacts.

TIMBER HARVESTING PRESCRIPTIONS FOR WEST PATRICIA

The Commission's Interests

The Commission's analysis of land use planning for West Patricia had to devote considerable attention to the prescriptions given for timber harvesting. The Commission originated, in large measure, in response to public reaction over Reed Limited's proposal to harvest timber in a large tract situated to the north of areas already licensed to pulp-and-paper companies. It is required, by its terms of reference, to examine the effectiveness of planning for this use and the implications of possible large-scale harvesting in the tract. The plan document's treatment of the sector re-opens the door to a new harvesting proposal of the same magnitude in the same tract, again with insufficient regard for the priorities of some other users and for the reconciliation of apparent conflicts between resource development and environmental protection objectives.

Timber harvesting can have more widespread and devastating impacts than any other use. An examination of what the document has to say about timber harvesting can serve to illuminate various shortcomings in the planning process, discussed earlier, regarding the setting of objectives and targets, the generation and evaluation of optional resource allocations and alternative operational strategies, and the analysis of consequences. And it can illustrate the development implications of the prescriptions themselves.

Targets and Optional Plans

Target Setting

The Ministry of Natural Resources' timber production target for the Northwestern Ontario planning region is "to meet the wood requirements of the forest industry in the Planning Region by the year 2000." This regional target for the year 2000 has been set at 10.4 million net merchantable cubic metres (NMm³) of conifer timber from Crown land and is identical to the requirements projected to the year 2000 for industrial capacity already established in 1982. Annual available wood supplies on Crown land in the region were anticipated, according to a low estimate, to be 10.4 million NMm³ of conifer timber in the year 2000. The regional strategic land use plan assigned to the West Patricia area a conifer target of 3.4 million NMm³ per year, calculated after fire losses were deducted. *West Patricia: Proposed Policy and Optional Plans* further broke this down to 1.1 million NMm³ for Red Lake District, 2.1 million NMm³ for Sioux Lookout District, and 0.2 million NMm³ for the Geraldton District portion. These district targets, too, are equal to the estimated available wood supplies in the districts, calculated after fire losses.

The requirements (targets) therefore are no more or no less than the anticipated supplies for both the planning region and the districts. This means, in essence, that all wood supplies projected to be available in the region and in the districts will be required by the year 2000 to meet the demands imposed by current industry capacity.

If the West Patricia target of 3.4 million nmm³ per year is to be met, wood supplies must be drawn from a large block of land consisting of the Crown and company management units already existing and the hitherto unexploited and unallocated "Reed" tract to the north. This block represents the entire area covered by forest inventory and is considered to contain most of the merchantable timber stands remaining in West Patricia. The target for the "Reed" tract has been set at 1.9 million NMm³ per year and that for the balance of the inventoried lands at 1.5 NMm³ per year.

Target Achievement by Option

No single optional plan meets the targets set for timber harvesting in the districts of West Patricia. The shortfalls and the differences in target achievement between options are attributed almost entirely to withdrawals of area for park, road and forest reserve use and in part to minor variations in the delineation of the "Reed" tract zones. The shortfalls below the target of 3.4 million NMm³ per year reduce target achievement to values of 85 per cent and 86 per cent for the parks-oriented options A and B, 95 per cent for the production-oriented option C, and 92 per cent for the preferred compromise option D.

Shortfalls attributable to parks alone represent rather small proportions of the target, i.e., 11 per cent for option B, 10 per cent for option A, 6 per cent for option D, and 2 per cent for option C. Shortfalls attributable to application of the guidelines for road and forest reserves represent 3 to 5 per cent of the targets.

Implications

The West Patricia report confirms that conifer timber supplies will have to be drawn from all parts of the "Reed" tract and other forest-inventoried areas in order to meet the targets. For all options the report states that "timber extraction for commercial purposes and personal use will be permitted in all areas in the Planning Area having a forest inventory", except those zones designated as candidate parks and park areas of interest. The report does not of course foresee forest harvesting on every hectare of land in these zones; it makes provision for other uses through application of general multiple-use management strategies. But it does specify that harvesting will be permitted in all non-park zones by the year 2000, assuming that development pressures for timber conform to the demands projected.

In effect, all four optional plans for West Patricia leave the door open both to resolution of the central resource allocation and management issue arising from the original Reed proposal in favour of large-scale timber harvesting and to a major northward extension of past patterns, forms, and intensities of development. None of them provide a different kind of scenario for future development. The prescriptions for timber harvesting would be the outcome of a planning process unacceptable under those terms of the *Environmental Assessment Act, 1975* relating to the identification and comparative evaluation of alternatives. Conformity to the Act would call for the West Patricia report to display a much more diversified array of forestry targets and options. One such option could have portrayed the "no-go" alternative. Others might have placed strong constraints on the expansion of timber harvesting while making more resources available for other uses. A third set could have offered variations in the type and intensity of management for forest and other resources.

Such options would differ greatly in their consequences and hence provide a focus for truly effective public response on issues relating to forest harvesting and alternative activities. However, for reasons already explained, the Ministry of Natural Resources' ground rules for setting timber targets and specifying operational strategies did not permit such flexibility in the case of planning for West Patricia. All the optional plans actually provide support for the allocation of the "Reed" tract and other inventoried lands to timber production. The differences between them are not really consequential at the scale of the planning area as a whole, even though they may be significant from the perspective of people living in various parts of the area.

Operational Strategies

Strategies to Attain Timber Targets

The general principle underlying target setting for the forestry sector in West Patricia is to meet demands for timber anticipated in the year 2000; these demands closely approximate the optimum sustainable yield associated with the forest resource. The overall strategic thrust for forest harvesting in the area can be characterized as demand-responsive.

Proposed Policy and Optional Plans sets out a set of operational strategies that the Ministry of Natural Resources proposes to deploy in order to meet the degrees of forest target achievement specified as attainable in its optional land use plans. The individual strategies are to be implemented under the umbrella of "a strong system of forest management within a multiple use framework." Among other prescriptions, they provide for accelerated fire protection, early road construction to access mature timber, expanded regeneration, improved practices for forest yield and species utilization, survey of hitherto uninventoried areas, and accommodation of non-forestry uses.

The Ministry's planning principles assert that capacity and hence targets vary "according to the level of management" and that therefore "the assumed level of management for each capacity standard must be explained." In the case of West Patricia planning, the statements of operational strategy for the forestry sector are insufficiently explicit to demonstrate conclusively that the targets set are realistic and achievable. Moreover, they are too general to establish the technical, socio-economic or environmental feasibility of the optional plans themselves.

Even so, adoption of a more flexible and innovative approach to operational strategies for the forestry sector might well have generated a wider range of options for meeting the targets actually set. The case of fire management, and the allocation of funds and effort to it, affords one salient example from the many that could have been offered here.

Over a recent ten-year period, forest fires burned over about 130,000 hectares of forest annually, equivalent to 1.5 per cent of the inventoried lands in West Patricia. Losses of merchantable conifer timber were staggeringly high, amounting in the average year to 2.1 million NMm³. This is 39 per cent of the total wood supply that would otherwise have been available annually in the inventoried lands and is equivalent to fully 63 per cent of the annual production targets, which were set after fire losses had already been taken into account.

Simple calculation shows that the timber target set for West Patricia could be attained in full if fire losses were to be reduced from 39 per cent to the total wood supply to 29 per cent in the case of option A and 35 per cent in the case of option C, without compromising the prescriptions made in each option for

parks and reserves within the inventoried area. Reduction of fire losses by even greater magnitudes could conceivably permit a reduction or spatial redistribution of the gross area required for timber production and thereby enhance achievement of other program objectives. The costs involved in improving fire management by such increments would surely be very high, but they could have been documented and set against an evaluation of the host of benefits likely to ensue.

In this case of fire management, as well as in others, the planners overlooked an opportunity to expose a promising forestry development option that differs substantially from those actually offered. Consideration of this option would have been entirely consistent with procedures under the *Environmental Assessment Act, 1975* regarding generation and evaluation of alternatives.

Patterns of Timber Harvesting Intensity

One would expect the timber harvesting targets and associated operational strategies established for each zone in the "Reed" tract and other inventoried areas to reflect differences in such key variables as distance from existing road access, inherent capability of lands for timber production, the geographic pattern of timber maturity classes, existing resource uses, and the distribution of high potentials for non-forestry activities. Accordingly, the Commission's research included an analysis of the pattern of timber harvesting intensities implied by data given in the plan document. For optional plan D, harvesting intensity was calculated for each of the 40-odd zones in the inventoried area by dividing total zone area by the specified zone harvesting target in order to gain a measure of timber to be harvested per unit area in the year 2000.

The results were revealing. Target achievement by zone appears to have been made proportional to zonal area, implying a projected uniform intensity of timber harvesting across all zones within the inventoried portion of each district, park lands excluded. Thus neither the targets nor the operational strategies for the forestry sector appear to have taken into account such factors as patterns of resource capability for timber production, shown on Map 10 in *West Patricia Land Use Plan: Background Information* to be high in the southernmost parts of Red Lake and Sioux Lookout districts and in the central part of the "Reed" tract in Sioux Lookout District, but to be moderate or low elsewhere. This analysis strongly suggests that strategies for zonal allocation of timber harvesting targets in greater conformity to the factors relevant to allocation would have led to generation of optional plans different than those offered in the West Patricia report.

Strategies to Minimize Impacts on Other Activities

Procedures under the *Environmental Assessment Act, 1975* call not only for identification of credible alternatives to undertakings but also for comparative evaluation of the social, economic and natural environmental consequences of undertakings. In the Ministry of Natural Resources' planning for West Patricia, the optional plans generated have too restricted a range to be considered credible alternatives in conformity to the Act. As regards the second point, the planning does not confront the implications of alternatives in a tangible or explicit way. However, it deals peripherally with such implications by outlining operational strategies for minimizing cross-impacts between forestry and activities competing with it for a common natural resource base.

Proposed Policy and Optional Plans provides multiple-use strategies for attaining timber harvesting targets in the face of competition and for reducing the impacts of the forest development proposals on other activities in the "Reed" tract and other inventoried areas. These strategies range from those primarily for the forest sector itself to others for the siting of forest access roads, the provision of forest reserves to safeguard important wilderness tourism and recreation values, and management to protect or enhance wildlife habitats. While the report's statements of strategy draw on the wide experience of the Ministry's program managers and scientists, they do not demonstrate the strategies to be technically attainable or socially or economically feasible in West Patricia. Hence they fall short of the requirements of the *Environmental Assessment Act, 1975* regarding evaluation of the consequence of alternative undertakings.

More effective application of the Ministry's multiple-factor target testing methodology could have illuminated both the cross-sectoral tradoff issues involving forestry and the strategies appropriate for addressing them. Strategies for addressing cross-impacts between timber harvesting and other activities are expressed in words but remain unsubstantiated by data. Consideration of trapping for beaver and the setting aside of road and forest reserves illustrates the point.

The West Patricia document assigns beaver harvesting targets for all non-park zones in optional plan D. Trapping intensities foreseen for this activity would be expected to reflect variations in capability, habitat and, above all, timber harvesting. The approved strategic plan for the Northwestern Ontario region acknowledges the need to devise operational strategies for beaver habitat:

"The variety and quantity of fur bearing species is greatly affected by an alteration in preferred habitat. By altering wildlife habitat, forestry operations may impact upon the fur harvest and the ability to meet the stated target. To overcome this problem, timber

harvesting plans are reviewed and modified to enhance habitat and where possible to reduce impacts."

The feasibility of habitat enhancement and impact reduction is not established in the report. While timber production might be expected to depress target achievement in trapping for beaver through adverse impacts on habitat, the zonal values proposed for beaver trapping, like those for timber, indicate that trapping would take place at more or less uniform intensities across West Patricia, both in the zones slated for commercial timber production and in the area beyond. In short, the document does not demonstrate that the habitat enhancement and impact reduction strategies expressed in words could compensate fully for the adverse consequences of timber harvesting. Thus the treatment of this particular set of mitigation measures would fall short of the requirements of the *Environmental Assessment Act*, 1975.

In the case of tourism, the West Patricia plan document proposed application of the so-called "Affleck guidelines" to provide forest buffer zones around major lakes, to maintain aesthetics along road and water travel corridors, and to preserve significant historical, geological, floral and faunal features. Designation of these forest and road reserves does not preclude timber management or other extractive uses within them:

"Few, if any, of these areas should be considered as not being available for timber or mineral purposes. Specific management prescriptions for resource product extraction may include seasonal restrictions to extraction and in the case of timber, delaying the second cut until sufficient regeneration is established, diameter cuts, alternate block cuts or the removal of harvest debris."

In the "Reed" tract and other inventoried areas, the conifer timber volume assumed to be withdrawn within road and forest reserves is equivalent to only 3 per cent of the timber harvest attainable in the non-park zones in optional plan D. The total area of these reserves is not specified; however, assuming that area is proportional to timber volume, only 3 per cent of the area would be set aside for reserves through application of this strategy. One may question whether this allocation would be sufficient to protect wilderness values for tourism in the face of forest industry development.

Community Forest Proposals

Proposed Policy and Optional Plans foresees that the remote north, beyond the northern limit of the "Reed" tract, might be allocated to "Community Forest" and to a full range of other resource production and tourism activities. Forestry strategies to be implemented here include forest inventory, the establishment

of management plans, and allocation of timber on the basis of licences.

While the report asserts that the timber resources of this remote area are to provide wood for local residents, it also raises by implication a spectre of stronger Ministry control and further encroachment of commercial timber harvesting activities once the proposed plans and infrastructure are in place. In framing these strategies, the planners appear to have given insufficient consideration to the likely impacts of such encroachment on subsistence activities, commercial trapping, or new employment opportunities for residents of the communities.

In this respect, as in others, the report neither specifies a sufficient range of forestry development options nor provides an adequate accounting of their benefits, costs, and consequences expressed in social, economic, and natural environmental terms. The planners fail to justify their case for commercial timber harvesting and community-oriented forestry in an acceptable manner.

ENVIRONMENTAL ASSESSMENT OF THE MINISTRY OF NATURAL RESOURCES' PLANNING SYSTEM

The Environmental Assessment Act and Process

Introduction

The Royal Commission on the Northern Environment is directed, by its mandate, to make recommendations concerning both the manner in which major development takes place in Ontario North of 50° and the means whereby decisions concerning such development are reached. The Commission's recommendations, therefore, have two overriding thrusts. One is to ensure that development, when it occurs, proceeds in an orderly fashion, working in concert with and not at the expense of the environment. The other is to improve the procedures applied to reach decisions on northern development and to enhance the participation of northerners in decision-making on issues that affect them. The *Environmental Assessment Act*, 1975 can play the central role in balancing the legitimate interests of development and environmental protection through a publicly accountable process. Its effective application across Ontario North of 50° is of central concern to northerners and to the Commission.

The purpose of the Act is stated in Section 2 of the legislation:

"The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment."

The Act establishes a planning and decision process that takes into account all possible effects on the environment, broadly defined, of a proposed undertaking at an early stage in the process. Moreover, the Act can open to the public an avenue for involvement in decision-making and a means of access to an accounting of how and why decisions were reached.

The Act

The general scheme of the Act, as it presently exists, is relatively straightforward. The initial determination to be made is whether or not the Act applies to a proposed undertaking. Unless the undertaking is exempted under Section 30 (Exemption Order) or Section 41 (Exemption Regulation), all public activities and all designated private activities must comply with the Act. Therefore, while public undertakings are subject to the Act unless exempt, private undertakings are exempt unless designated.

It is important to note from the outset that the process involves two decisions, first to accept, or amend and accept (but not reject) the environmental assessment document, and second to approve, approve subject to terms and conditions, or not approve the proposed undertaking.

Once it is determined that the assessment provisions of the Act apply to the undertaking, the proponent must prepare an environmental assessment, or have one prepared, and submit it to the Minister of the Environment. This leads to a review of the assessment, coordinated by the Ministry of the Environment. Both the assessment and the review are then put on the public record, and the public is notified that it has a minimum of 30 days to inspect the documents and to make written submissions about them to the Minister. Those who make written submissions also have the option of requiring (subject to ministerial approval) a hearing by the Environmental Assessment Board.

If a hearing is not requested or if the Minister chooses not to hold one, the Minister must decide whether to accept the environmental assessment, or to amend and accept it. Once the assessment is accepted, the public is notified and given a further 15 days in which to request a hearing before the Environmental Assessment Board about the suitability of the proposed undertaking.

At this point, the Minister may also choose to hold a hearing, if he considers it advisable to do so. If a hearing is not requested by an interested person, or the Minister decides not to have one, the Minister, with Cabinet approval, must decide whether to approve the proposed undertaking, approve it subject to conditions, or not approve it. If a hearing is held, both decisions (about accepting the assessment and about approving the undertaking) are made by the Environmental Assessment Board, subject to an overriding ministerial power (requiring Cabinet approval) to alter the Board's decision within 28 days. The Environmental Assessment Board, in fact, makes most major decisions, mainly because any party who makes a written submission to the Minister may require a hearing.

The Process

The Ministry of the Environment's publication *General Guidelines for the Preparation of Environmental Assessments, 1981* explains the terms and requirements of the Act.* It states the principles underlying environmental assessments carried out under the Act, as follows:

"In the environmental assessment, the proponent shows that the environmental effects of various alternative courses of action were identified and evaluated, before one of them was selected It should be emphasized that assessment of

*However, as the Ministry has pointed out, guidelines are only guidelines, are not binding, and "must be applied in a reasonable and practical fashion." (Thunder Bay Hearing, April 27 and 28, 1983, Transcript Volume One, p. 18).

environmental effects is not something which should begin after a proponent has decided upon the project with which he wishes to proceed, but rather something which should take place as part of the process of arriving at that project decision."

The General Guidelines delineate a logical assessment process with seven steps that progressively narrow down the field of alternatives before arriving at the preferred, recommended alternative (Figure 2). The task of identifying and then narrowing down alternative ways of achieving the stated purpose of an undertaking plays a crucial, central role in the environmental assessment process. As the General Guidelines put it,

"The document should describe the evaluation process. This examines and compares all the information previously obtained, with a view to singling out the most acceptable alternative, in the proponent's opinion. This is put forward as the undertaking. The evaluation is a trade-off process in which the advantages and disadvantages of alternative courses of action are weighed in terms of their effects, both beneficial and adverse, on the environment."

Evaluation proceeds in a logical, step-wise and reiterative progression consisting of the following key work elements.

1. Description of the environmental assessment procedures followed
2. Identification of alternatives to the undertaking
3. Identification of alternative methods of carrying out the undertaking
4. Selection of appropriate study area(s)
5. Baseline description of the biophysical, social and economic characteristics of the environment affected by the undertaking and alternatives
6. Comparative evaluation of alternatives to the undertaking and alternative methods of carrying out the undertaking.

The Act distinguishes between 'alternatives to the undertaking' and 'alternative methods of carrying out the

undertaking'. In the case of, say, a road proposal, the alternatives to the undertaking could include other transportation modes or the option of providing no new access whatsoever, while the alternative methods of carrying out the undertaking could include different routes, road materials, and construction techniques.

The General Guidelines require a proponent to compare and evaluate alternatives to a proposed undertaking and alternative methods of carrying out an undertaking using a comprehensive set of social, economic, and natural environmental criteria.

"By this means, the proponent is required to consider a full range of environmental consequences, rather than simply technical and economic feasibility, at all levels of the process leading up to the selection of a preferred alternative."

Comparative evaluation of alternatives is carried out through three interlocking and reiterative steps in the environmental assessment process, i.e., prediction of potential effects, identification of mitigation possibilities, and evaluation of alternatives.

The Status of the Land Use Plans

Viewpoints

In his *Interim Report and Recommendations*, Mr. Justice Hartt wrote that "All components of the Strategic Land Use Plan, including that relating to the West Patricia area, will be subject to an environmental assessment under the provisions of the Environmental Assessment Act." Statements by the Ministry of Natural Resources appeared to reinforce this view, which I too shared for most of my tenure as Commissioner. I was pleased with this prospect because it appeared to guarantee the injection of the good planning principles embedded in the Act into the important land use planning being carried out across the north.

Yet, even though the status of the West Patricia planning, at least, as subject to the Act appeared to have been established, I became aware of protracted discussions between the Ministry of the Environment and the Ministry of Natural Resources, continuing on well into 1982. There appeared to be at least two main bones of contention. The first had to do with the point or points at which the Act can be most productively applied in the continuum of planning activities in the latter's planning system. Since the Act itself provides no guidance on this matter, the Ministry of Natural Resources was taking the position that it could exercise discretion over whether to submit for assessment either a land use plan or a resource management plan or specific project proposal consistent with a land use plan. The Ministry was tending to

regard its land use plans as policy-oriented and mainly conceptual guidelines rather than as implementable strategies more amenable to environmental assessment. Hence, it was arguing for the second course of action, to be effected mainly under the aegis of class environmental assessments of resource management planning and work program planning.

In these discussions, the Ministry of the Environment was insisting that fulfillment of the spirit of the *Environmental Assessment Act* called for review and approval at both the land use planning and resource management planning stages. It noted that review of a submitted management plan or specific project proposal would still open the door to a full accounting of the land use planning process leading to the management plan or project from the viewpoints of alternatives to them, alternative methods of carrying them out, the likely effects of alternatives, and desirable mitigating measures. In short, Ministry staff were asserting that the land use planning process and at least some of the prescriptions in the land use guidelines would, at some time, have to be brought under the Act.

The second contentious issue between the two ministries had to do with the applicability of class environmental assessment procedures to the Ministry of Natural Resources' planning system. A class environmental assessment, an administrative procedure not specified in the Act, covers a group of projects which, according to the General Guidelines, "are relatively small in scale, recur frequently, and have a generally predictable range of effects which, though significant enough to require environmental assessment, are likely to cause relatively minor effects in most cases." This approach is meant to streamline the environmental assessment process. A class environmental assessment defines the circumstances that would call for the "bumping-up" of a particular undertaking within the class to the level of full individual environmental assessment.

In these discussions, the Ministry of Natural Resources was pressing for the class environmental approach at the resource management planning and work program planning levels. While class assessments for several activities of the second of these levels had already been approved, the Ministry had not been able to demonstrate the appropriateness of this approach to forest management and other major resource management activities.

These issues appear to have been coming to a boil during the later part of 1982, as land use planning across the north was being brought to a conclusion. However, as late as June 22, 1982 the Minister of Natural Resources, in response to questioning about Ministry activities being dealt with under the Act, made the following statement:

"Hon. Mr. Pope: under preparation for individual environmental assessment is the West Patricia land use plan." (Hansard, Standing Committee on Resources Development)

This position gave support to Ministry planners to state, in *West Patricia Land Use Plan: Proposed Policy and Optional Plans*, that,

"All activities undertaken by the Ministry of Natural Resources will be subject to the Environmental Assessment Act (1975) unless specifically exempted."

And, as late as August 4, 1982, Ministry staff were able to distribute a provisional outline of an environmental assessment document for the West Patricia plan at a meeting of the West Patricia Land Use Plan Steering Committee and to announce that the writing of the document itself was under way. While the outline appeared to conform adequately to the seven-step process stemming from the *Environmental Assessment Act*, Ministry officials, still hedging over the applicability of the Act to West Patricia planning, were expressing doubts that the existing social and economic information was sufficient for them to deal satisfactorily with many of the topics. However, as will be shown, the problems go much deeper than those of mere data deficiency.

Meanwhile, the Minister of Natural Resources had established the end of 1982 as the deadline for completion of the land use planning across the north. On November 5, 1982 he stated in the Legislature his view of the status of the land use plans.

"Mr. J.A. Reed: 6. Will the approved district plans be signed by the Minister of Natural Resources as an official government policy, or are they merely to be used as guidelines?

"Hon. Mr. Pope: 6. The district land use plans and strategies are guidelines for ministry field staff use." (Hansard)

On November 24, 1982, I sent to the Minister a list of concerns having to do with the status that he accorded to the land use plans, his intentions regarding submission of the West Patricia and other district land use plans for approval under the *Environmental Assessment Act*, and other more specific matters relating to the plans' treatment of targets, beneficiaries, the applicability of environmental assessment procedures to his Ministry's planning system, and public participation in the planning.

On December 17, 1982, I wrote to the Premier of Ontario expressing my concern over the substance of the land use plans, the process leading to their formulation, and the application of the *Environmental Assessment Act* to the Ministry of Natural Resources' planning system and I recommended that the land use plans affecting Ontario North of 50° not be finalized until my findings and recommendations are released in a public report.

In a letter of the same date to the Minister of the Environment, I reiterated my conviction that the Ministry of Natural Resources' land use planning activities are of crucial importance to the future of Ontario North of 50° and that the *Environmental Assessment Act* could be fruitfully applied to them to ensure that good planning principles were injected into the planning.

On January 18, 1983, the Minister of Natural Resources responded to these concerns. He agreed to withhold release of the West Patricia plan. He clarified his position regarding the status of the land use plans, while making no comment on the applicability of the Act to them. The Minister drew a clear distinction between his Ministry's planning process and the actual resource allocation process and he asserted the prerogatives of Cabinet and himself as Minister to make resource allocation decisions. In his words,

"The Ministry of Natural Resources' land use plans are resource capability inventories which are used as a guide in ensuring general conformity of the Ministry's disposition activities with other Ministries and other Ministry of Natural Resources program activities and responsibilities. Consequently, these land use plans are simply viewed as guidelines which have no direct legal effect on committing the resources of the province to specific end-uses or in delineating where various resource development/conservation activities can or cannot be carried out.

"I must emphasize that decision-making is not something undertaken by public servants through a land use planning process. Such decisions are the purview of Government, be it by the individual Cabinet Minister responsible for the legislation which authorizes such decisions or through the collective wisdom of Cabinet. The accountability for such decisions is well established."

In his letter to me of February 1, 1983, the Minister of the Environment acquiesced to his colleague's view of the plans as being guidelines and he went beyond that to establish the link between guideline status and status under the Act. According to the Minister, the Act

"identifies the significant positive and negative impacts of concrete proposals and, where reasonable alternatives are feasible, it ensures that they are considered

"With respect to land use plans, the Ministry of Natural Resources has advised that these plans are broad frameworks indicating suitability and potential. They do not allocate resources to project-specific end-uses. I have accepted this position and agreed that the Environmental Assessment Act does not apply to these land use plans

"I believe that it would be more appropriate to apply the Act at the level of planning where specific decisions regarding land use are to be made."

I replied to the Minister of the Environment on March 24, 1983, advising him of what I felt to be some of the consequences of his decision and raising additional concerns over how the Act could be applied effectively at later stages in the resource planning system.

I sought further clarification of both Ministers' positions at formal hearings. Their positions remained unchanged.

The Minister of Natural Resources commented on the status of the land use guidelines at the hearing on April 11, 1983 in Thunder Bay. Mr. Colborne was counsel for Summer Beaver settlement.

"Donald Colborne: And, once it [the West Patricia plan] is finalized, what status does it have? It is no longer proposed, it is what? You objected before to the term implemented.

"Alan Pope: It is a source of information which would give some help to some of the people in understanding some of our problems in making allocation decisions."
(Transcript, p. 108)

And, at the hearing in Toronto on June 29, 1983, in response to queries about why residents of an affected area and the Ministry's district officers could not be given greater autonomy in making decisions, the Minister said:

"A. I think the answer is because I'm the Minister of Natural Resources with responsibility under the laws of the Province of Ontario to be answerable for those decisions in the legislature." (Transcript, pp. 55-56)

"A. Well, whenever anyone writes to me they are communicating with me and I recognize the interest

that they are trying to put forward. I recognize the sensitivity of trying to make a decision but ultimately the decision has to be made by the Minister" (Transcript, p. 65)

"A. someone has to juggle all those interests, listen to the concerns of all of the local residents and the provincial interests and hopefully try and make an informed decision that not everyone will ever agree with." (Transcript, p. 68)

Cross-examination of the Ministry of the Environment's representatives at the Thunder Bay hearings on April 27 and April 28, 1983 illuminated reasons why the Minister agreed to place the land use plans beyond the reach of the *Environmental Assessment Act*. Mr. Wingenroth represented the Sioux Lookout Trappers Association and Mr. Mulvaney was counsel for the Ministry.

"Mr. Wingenroth: when Mr. Pope was asked about it [the land use plan], he finally came out to state that these are just loose guidelines. However, when I look at the documents and I find that, in the case of trapping, and Sioux Lookout assigns a quota of 25,255 beavers to be caught, then I am just ill-prepared to accept that as a guideline. To me, that is a plan. And the same thing happens in the case of forestry, where cords of wood or cunits of wood are dealt with, and where the park boundaries are already outlined. So how do you feel about it? Would you accept the M.N.R.'s version of these plans just being guidelines or being degraded to guidelines, or would you just still call them plans?"

"Mr. Mulvaney: From a lawyer's point of view as to whether the Act applied to land use plans, the question is whether the Minister of Natural Resources, in giving it that particular role, is within his authority to do so. I think the answer is yes. It's he is. It may well be that a number of the documents don't yet reflect that position but I think he is making a policy statement within his authority to do so. In other words he has the authority to characterize the plans in that way. So we are prepared to accept that characterization and reach a legal conclusion on the basis of that.

"Mr. Wingenroth: Okay, then just by calling a horse a donkey doesn't necessarily make it a donkey, even though somebody may have the power to do so.

"Mr. Mulvaney: But the analogy isn't a good one. What he is doing is he is giving a specific status to land use plans. He is saying that within M.N.R., these plans are going to be loose guidelines. They are going to be one

channel of advice coming into Cabinet. It is my reading of his entire testimony that he is unwilling to accept even the characterization of these documents as something which is implemented. He sees them merely as one channel of advice, among several, flowing into Cabinet or into his office, and I take the view that having said that, indeed having said it in the Ontario Legislature, that he has the authority to do that, and it may well be and probably is government policy as well. So I find the conclusion to be inescapable These are not subject to the Act." (Transcript, Volume Two, pp. 55-57)

At the same hearing, Mr. Surdykowski, representing the Kayahna Area Tribal Council, pursued a similar line of questioning with Mr. Mulvaney and Mr. Rennick, Director of the Environmental Assessment Branch of the Ministry of the Environment:

"Mr. Surdykowski: So a plan is not a plan until you decide that you are going to use it as a plan.

"Mr. Mulvaney: If you determine, within the scope of your authority, if you determine that that document, whatever it is called, is going to have a certain role, it is going to be one channel of advice among many, or a guideline or whatever, then that is the function it will have within your ministry

"Mr. Surdykowski: Were these guidelines at one time plans, and they changed to guidelines?

"Mr. Mulvaney: I don't know the history of those documents.

"Mr. Rennick: I would say the answer to that is yes

"Mr. Surdykowski: And at the time that they were plans, the environmental assessment process would have been applicable to these documents[?]

"Mr. Rennick: If those plans were with respect to specific activities and enterprises, as the Act indicates, then yes, it would apply to them.

"Mr. Surdykowski: At one time they were plans and now they are not.

"Mr. Rennick: That is correct." (Transcript, Volume Two, pp. 76-77)

At the same hearing, Mr. Watkins, legal counsel for the Commission, questioned legal counsel for the Ministry of the

Environment about what the Ministry would do if it found that the prescriptions in the guidelines were actually being implemented:

"Gaylord Watkins: And would it be, in other words, your problem is it's difficult to determine whether you're going to be assessing the plan, as a plan, or as the criteria that were used for a particular allocation, or particular resource use?

"Neil Mulvaney: Yes, I think that's a good way of putting it.

"Gaylord Watkins: But that dilemma hadn't bothered you until just recently because previously you were willing to accept that the plans, as individual plans, would be themselves, subject to environmental assessment?

"Neil Mulvaney: That's correct.

"Gaylord Watkins: And not necessarily their implementation.

"Neil Mulvaney: The dilemma didn't occur to, well maybe it did occur.

"Mr. Jackson: The dilemma had occurred to us, but we were anticipating receiving an individual environmental assessment that dealt, not with the document as a document, but with the document as a thing to be implemented

"Gaylord Watkins: In other words, you viewed the plan as being a document which contained a resource inventory, resource capability predictions or assessments and allocations to particular classes of use then?

"Mr. Jackson: That is what we thought it was.

"Gaylord Watkins: Until it was categorized in a different fashion?

"Mr. Jackson: Until it was changed. Yes.

"Gaylord Watkins: What a difference a label makes.

"Neil Mulvaney: No. It isn't the label. It's a declaration. And someone had the statutory authority to make it.

"Gaylord Watkins: What is the responsibility of the Ministry of Environment, though, in terms of its statutory responsibility for the Environmental Assessment Act? If

your Ministry or your Minister disagrees with the label placed by the Minister of Natural Resources on such a document?

"Neil Mulvaney: I don't think it would be a matter of us disagreeing with the label of the Minister of Natural Resources put on it, it would be a matter of how they were, in fact, used.

"Gaylord Watkins: So in other words, it would relate to your Ministry's awareness of the function of that document in resource allocation? Is that correct?

"Mr. Jackson: That function is presently defined and declared to be such by the Minister of Natural Resources' pronouncement on it.

"Gaylord Watkins: But in terms of the documents being relied upon by that Ministry or the Minister in terms of making resource allocation decisions, that that becomes a primary instrument of reliance in a functional sense

"Neil Mulvaney: You're suggesting what if the practice of the Ministry should diverge from the policy direction given to it by its head? I'm not sure where that leads us.

"Gaylord Watkins: Does it not lead you to the position though, of having responsibility for the Environmental Assessment Act to, in fact, bring into your environmental assessment process those documents or plans as they function? Not what they're called, but as they function?

"Neil Mulvaney: Yes, I think that issue of possibility at some time in the future of practice of the Ministry straying from the declaration ... could lead to the process coming back down ... on those documents.

"Gaylord Watkins: I guess what I'm concerned about is that as soon as there's a document ... officials within the Ministry have a tendency to rely upon them in terms of making individual decisions And if all of the decisions tend to be governed by those guidelines or plans or whatever they are called, then we are in the situation where something which perhaps ought to have been subjected to some kind of environmental assessment, hasn't been?

"Neil Mulvaney: Yes. Or I suppose at the time the Ministry in disobedience to its head began implementing those things

Gaylord Watkins: Yes.

"Neil Mulvaney: Then they would awfully soon need an approval." (Transcript, Volume Four, pp. 52-56)

I quote this lengthy extract from the transcript because it raises disturbing questions crucial to my enquiry. It seems that if Ministry of Natural Resources' officials implement something stated in the guidelines without the Minister's explicit direction to do so, then the guidelines must be brought within grasp of the Act. But will the Act be applied to resource allocation decisions made by ministerial prerogative? And, if what is stated in the guidelines is being implemented as a result of a Minister's directive consistent with them, will the guidelines themselves become subject to environmental assessment? The evidence of the Minister of Natural Resources and the Ministry of the Environment's officials provides me with no clear guidance on either question.

Conclusions and Implications

The government has never stated its reasons for its about-face on the status of the land use plans under the *Environmental Assessment Act*. But these reasons surely go beyond the mere semantic and legalistic quibbling and posturing that the hearing records suggest.

Major planning efforts may gain political support in their earlier stages, when they appear to promise attainment of publicly popular goals with limited sacrifice. However, as they progress, they begin to articulate more specific objectives, targets, strategies and programs that politicians may regard as locking them into commitments that they are unwilling to accept and creating levels of public expectation that they may find difficult to fulfill. Moreover, proponency for the land use planning under the Act would have conferred on the planners an obligation to expand the scope of their work considerably beyond the mandate of the Ministry and into social and economic fields for which they had limited expertise or information. Finally, the planning had dragged on and on, swallowing millions of dollars, and the Minister was determined that it be brought quickly to completion. Preparation of an acceptable environmental assessment could be seen as a difficult and time-consuming task, the more so in view of the fact that no precedents exist for assessment of a planning process and its products.

Whatever the rationale was that led the government to place the land use plans beyond reach of the Act, the consequences of that action are clearly unacceptable. Let me make my own position clear. I accept that the Minister of Natural Resources has the

authority to characterize the plans in whatever way he wishes. I accept that the Minister in asserting his decision-making prerogatives, is acknowledging his legally defined responsibilities. And I accept that the Minister of the Environment is empowered to take the stance on the status of the plans that he took. That government bears the final authority, responsibility, and accountability for decision-making cannot be disputed. I agree with the Ministers that no plan - whatever status is assigned to it - should be regarded as etched in stone and slavishly implemented; inevitably circumstances will arise that necessitate that plans be overridden by Cabinet decisions or altered through the ongoing review mechanisms built into the planning process.

The Minister of Natural Resources distanced himself from what is written in the 'guidelines' by drawing a distinction between planning and decision-making and by downgrading the plans to guidelines. In doing so, he relegated the plans to a state of limbo - as something that might at times be used as a basis for decisions on implementation or just as often ignored. The Minister's position strains the credibility of both the planning process and its products.

While a land use plan may not legally commit natural resources to 'project-specific end-uses', the Minister's endorsement of the plans - which he did not give - would surely have signified that they could be accepted as an authentic, consistent, and potent statement of his and his Ministry's priorities and general intents for allocating, using, and protecting natural resources and for resolving sectoral trade-off issues arising from conflicting demands on a finite resource base. Such endorsement would have signified that the integrity of the plans was to be safeguarded - to the extent that changeable external circumstances and political realities permit - from frequent non-conforming changes to their fundamental objectives, thrust, and balance. Moreover, his endorsement of the plans would have established them as a coherent basis for major policy decisions on projects and resource allocations, for later resource management planning, and for operational activities by administrators as well as a very strong signal of government's intentions to interest groups and potential private investors. By not endorsing the plans and hence these functions, the Minister has assigned to the plans an ambiguous and equivocal status that would enable them to be either adhered to or ignored as a basis for reaching decisions, whichever is expedient.

Environmental Assessment of Land Use and
Resource Management Planning: Major Issues

Validation of the Guidelines

While the Minister of Natural Resources and the Minister of the Environment acted within the bounds of their authority in concluding that the land use plans are not subject to the *Environmental Assessment Act*, they did not have to reach this particular decision, which in my opinion detracts from the credibility of both land use planning and environmental assessment. Application of the Act to land use planning would have served to both improve the guidelines and validate a major source of information on which the Minister of Natural Resources relies in reaching his decisions. But, as it now is, the guidelines are a less than adequate basis for decision-making.

The prescriptions in the guidelines constitute recommendations for actions which, if implemented, would be major enterprises in Ontario North of 50°. I remain convinced that the prescriptions in the plans, and the process of analysis and public involvement that led to them, must be subject to scrutiny under the Act before any decision is made to implement them in whole or in part. I consider that these prescriptions, rather than the plans as documents, should be regarded as undertakings under the Act; if the Act does not support this, then I must recommend that it be amended as necessary. I find that the prescriptions and the process leading to them are amenable to environmental assessment, that incorporation of the planning principles set out for environmental assessment would have enhanced the quality of land use planning, and that review of the plan prescriptions under the Act would have made the plans better plans.

Compatibility

The principles and process set out in the Ministry of Natural Resources' booklet *Guidelines for Land Use Planning, 1980* appear to be generally compatible with those outlined in *Guidelines for the Preparation of Environmental Assessments, 1981*. But, as it turned out, application of these principles and this process was constrained to fit within the limits of the Ministry's mandate. The Ministry's equivocation over the appropriateness of treating its land use planning under the Act contributed to the unsatisfactory outcome of the process. Had the Ministry dedicated itself from the outset to discharging the obligations normally incumbent on proponentcy under the Act, it would have gone about its planning in a different, more comprehensive way than it did. In particular, it would have devoted more attention to generation of a more diversified and wider range of alternatives to its prescriptions and to comparative evaluation of these alternatives in terms of their social, economic, and natural environmental costs and benefits.

Difficulties over Alternatives

Environmental assessment is designed to respond to development initiatives brought to the attention of the Ministry

of the Environment by proponents outside the Ministry. It embodies a planning process but does not culminate in a plan. The assessment process is one that progressively narrows down a range of alternative courses of action through evaluation and comparison of their likely effects using a comprehensive set of social, economic, and natural environmental criteria.

On the other hand, a major purpose of land use planning is the internal one of deriving a coordinated set of objectives, targets, and broad management strategies that best suits the Ministry of Natural Resources' own program responsibilities and needs. In its conceptual underpinnings, the land use planning demonstrates both a mainly provincial perspective on development at the regional and local levels and a strong bias towards meeting demands for natural resource commodities; production and use targets based on demand are to met to the extent permitted by limitations of resource supply and needs for environmental protection. In its application, land use planning employed a rather rigid, direct and monolithic process that progressively refined and ascribed greater locational specificity to sectoral policies and objectives already formulated at higher levels in the hierarchy of planning areas and during earlier planning phases. This process clearly does not lend itself to the generation of a broad array of alternative planning models, objectives, targets, or operational strategies since none of these could be consistent with the intent and thrust of planning confined within the Ministry's mandate. This intent and thrust were summarized succinctly by the Minister in response to questioning by counsel for the Kayahna Area Tribal Council at the hearing on June 29, 1983 in Toronto:

"Q. is it intended that these guidelines will indicate in a clear way what the government's development priorities are?

A. I think our priorities are to develop all of the resources in as economically feasible and environmentally acceptable [a manner] as possible."

The second phase planning documents (*Proposed Policy and Optional Plans*) for the Ministry of Natural Resources' districts put forward sets of optional plans for analysis and public response. These do not - and probably could not given the planning rules and procedures actually applied - portray a sufficiently wide range of alternatives to satisfy the requirements of environmental assessment or provide a satisfactory basis for choice by northerners. Moreover, while the plan documents are not insensitive to trade-off and other issues affecting those having a stake in the north's development, it must be said that they failed to specify and comparatively evaluate in an acceptable manner the social, economic, and natural environmental implications of the narrowly-ranging alternatives

that they did actually present. Nor do they show how the more severe adverse impacts of plan prescriptions could be mitigated, once implemented.

Application of the Act's provisions regarding alternatives to the planning documents' prescriptions would have opened the door to consideration of the Ministry of Resources' land use planning subsystem and its linkages to the policy planning, resource management planning, and work program planning subsystems.

In the case of land use planning, consideration of alternatives might have taken place at various stages in the planning process, starting with an evaluation of planning models other than the Ministry's own. It can be argued that the Ministry could be expected to put forward a fuller justification for its land use planning subsystem in social, economic and natural environmental terms. Other models do, of course, exist or could be developed - perhaps a more ecologically-oriented model or one that focuses centrally on communities and their functional relationships with their hinterlands and broader social and economic settings. The provisional outline of an environmental assessment document for the West Patrica plan indicates that the Ministry was willing to take a stab at this task, an admittedly difficult one that would have led the planners to look beyond the Ministry's mandate.

Assuming that the land use planning subsystem could stand up to such scrutiny, the principle of alternatives to the undertaking might have next been applied to general and sectoral policies stated in the strategic land use plans for the regions and incorporated as part of the district land use plans and to the objectives stemming directly from these policies. These policies and objectives constitute the core of the subsystem, the statement of political support for a provincial perspective on regional and district economic growth and an emphasis on natural-resource based development that would meet demands to the extent consistent with resource supply and principles of good resource management and environmental protection. The plan documents provide no evidence that the planners considered policies and objectives other than those presented.

The plans attain their greatest specificity at the level of target setting for the planning regions and districts. Preceding discussion has shown that only a single set of targets could be generated given the ground rules followed by the Ministry's planners. However, if these ground rules had been relaxed, the planners could have generated other sets of targets as alternatives to those prescribed, all of them compatible with the statements of objective from which they were derived. Had they done this, they could have produced optional strategic plans for the planning regions. Moreover, they could have generated for the districts a much more diversified range of optional plans, which

could then have been compared and evaluated on the basis of both public response and analysis of their social, economic and environmental implications.

The establishment of different sets of targets would have opened the door to identification of much more diversified arrays of geographic patterns for resource allocation and operational strategies for attaining them. The operational strategies, which might have differed in such key respects as type and intensity of resource management, could have constituted alternative methods of carrying out the undertaking acceptable under the provisions of the *Environmental Assessment Act*.

Documentation of Benefits and Costs

The *Environmental Assessment Act* requires a proponent to describe both a proposed undertaking's probable effects on the environment, broadly defined, and the actions likely needed to prevent, change, mitigate, or remedy harmful effects. Fulfillment of this requirement calls on a proponent to provide a reckoning of benefits and costs associated with recommended and alternative courses of action and a plausible case that the benefits from a recommended alternative exceed the costs.

Although the land use plans were not made subject to the Act, this provision establishes a useful benchmark for evaluating them. They do not measure up. The planners' analysis of an implemented plan's effects could be expected to encompass the benefits, together with the related costs, to be dispersed both to the province as a whole and to the various interest groups having a more direct and immediate stake in development in Ontario North of 50°. In particular, the analysis could be expected to provide an explicit accounting of the plan's impact on the main controversial issues that led to the intensification of land use planning in northwestern Ontario. And, for this Commission, primary concern rests on the efficacy of the plans in dealing with issues that have been laid before it.

The effects of the alternatives and recommended plans could only be evaluated through an accounting of benefits and costs, some of which are more tangible and hence more amenable to 'hard' measurement than others. The plans define benefits in terms of both increments of resource production, use and amenity, quantified as targets where possible, and general non-quantified maintenance of environmental quality or increase in environmental quality as a result of better management to reduce conflicts, safeguard the use-sustaining capacity of renewable resources, and protect fragile and rare environmental components. The plans provide no substantiation of further benefits that may be derived from attainment of the production and amenity targets or enhanced resource management in such tangible measures as increased

industrial activity, new jobs in resource extraction, harvesting, or management, or improved access to facilities.

The costs attributable to a plan include those incurred in the implementation of operational strategies and programs to attain targets and other benefits and to mitigate adverse impacts and costs associated with the residual unmitigated social, economic, and environmental consequences of implementing a plan. In the northern plans, adverse consequences are not adequately identified even in descriptive, qualitative terms.

In these ways, the plan documents fail to provide a balance sheet of benefits and costs and hence to substantiate the prescriptions that they are recommending. While the Ministry of Natural Resources might argue that these considerations would be more properly ones for an environmental assessment than for a plan, no such assessments have been completed.

Piecemealing the Application of the Act

In his letter of March 24, 1983, the Minister of the Environment remarked to me that environmental assessment is "a process which contributes to and complements planning but does not replace it." I fully agree. But I cannot see how this contribution can be made if the *Environmental Assessment Act* is not applied to the land use planning. I want to emphasize the crucial importance of applying the Act at that point in the planning system where policies are articulated, sectoral and spatial priorities are set, and resource allocation tradeoff positions are established, and hence where many of the factors that will ultimately have a major environmental impact are first determined. The full range of policies, priorities, and tradeoffs is portrayed comprehensively only at the land use planning stage, and not at later stages in the planning system. The land use plans thus constitute a primary framework for the Minister of Natural Resources' decision-making, whether that involves a commitment to allocate and manage natural resources in a particular way, or to support a proposed undertaking, or to issue directives for program implementation by administrators in the field. A multitude of individual implementation actions could stem from the Minister's use of the land use "guidelines" as a major part of the rationale for the decisions that he makes. Deferral of environmental assessment to some later stage in the Ministry's planning and decision process would surely complicate, fragment, and proliferate application of the Act. For to apply the Act consistently to even the more important of these individual decisions - rather than to the land use planning framework itself - would be a monumental task. And piecemealing the Act's application in this way would detract from the effective injection of environmental assessment into decision-making on development in Ontario North of 50°.

Points of Application in the Planning System

The Ministry of Natural Resources' planning system embodies a continuum of planning through a set of five interlocking subsystems: policy planning, land use planning, resource management planning, work program planning, and work program evaluation. The Minister of Natural Resources has asserted that this planning process applied by public servants is something apart from the "decision or resource allocation process" culminating in decisions at the Cabinet level. The Minister of the Environment has supported this view by stating that "these plans are broad frameworks" that "do not allocate resources to project-specific end-uses." The Royal Commission on the Northern Environment sought the views and intents of both Ministries regarding the point or points at which the *Environmental Assessment Act* could be most productively applied to these generally separate but sometimes intersecting planning and decision processes. Yet, even after examination of their responses, this issue has remained one of the most perplexing ones confronting the Commission. And the Commission remains unconvinced that, as matters stand now, the planning and decision processes will be subjected to effective scrutiny under the Act. Such an outcome would have serious adverse consequences for northern development and would erode the credibility of the Act and its underpinning principles.

Four main pieces of evidence support this pessimistic view. The first, of course, was the Ministers' decision to not apply the Act to the land use planning process and the guidelines. In so doing they passed by opportunities to validate the guidelines as a suitable framework to be consulted for decision-making. While representatives of the Ministry of the Environment suggested to me that evidence that the guidelines were actually being used as a basis for decisions to implement an undertaking might lead to a reconsideration of the status of the guidelines under the Act, that seems a remote possibility.

The second piece of evidence is the Minister of Natural Resources' assertion of his decision-making prerogatives in matters of resource allocation. While he did not describe what he termed the "decision or resource allocation process", the land use guidelines, other information, and political realities would clearly all have a bearing on his decisions, which are normally triggered by applications for resource allocation and management and are accountable only to Cabinet and, ultimately, the electorate. Some participants in the Commission's hearings had the impression that the *Environmental Assessment Act* would somehow be applied to such decisions. However, the Commission concludes that decision-making by a minister is obviously beyond reach of the Act; it makes little sense, for example, to consider applying the Act to the signing of a Forest Management Agreement

or to the lending of support to a project proponent's proposal. Decisions about proposed undertakings that fall within the Act's purview would become ultimately subject to it at some later date when specific approval is being sought to implement them. There remains little doubt about this:

"Gaylord Watkins: Is it your understanding that the Environmental Assessment Act does not apply to those discretionary powers of decision?

"Mr. Jackson: That's not our understanding It's our understanding that the Act binds the Crown. It specifically says it binds the Crown. When the Crown makes an allocation, it either has to have an approval or an exemption " (Thunder Bay Hearings, April 27 and 28, 1983, Transcript, Volume Four, p. 57)

During the considerable period of time that may elapse between the Minister's reaching of a decision and the seeking of approvals to implement it, a proposed undertaking might gather momentum and support that could prejudice its objective consideration by environmental assessment. The signing of a Forest Management Agreement, for example, will create a strong expectation in the minds of industry and the public that the lands referred to in the agreement will be utilized primarily for timber production, even though that priority has not yet been validated by environmental assessment.

The third body of evidence has to do with the Ministry of the Environment's powers to exempt public sector undertakings from assessment under the Act and to apply the Act discretionally to private sector undertakings, on a case by case basis. The Ministry's track record in exercising these powers enhances the credibility of neither the Act nor the assessment process. This issue has many facets, ranging from the exemption of private sector projects likely to have significant environmental effects to the continuing extension of temporary exemption orders on consequential public undertakings.

Several provincial government ministries were exempted totally when the Act was passed because their activities were regarded as having no significant environmental impacts. Other minor public sector activities, such as those relating to operation, maintenance, licencing, and research were similarly exempted. Still other public undertakings were exempted by "grandfathering" because commitments to implement them had been made early in the life of the legislation or before it was passed. Exemptions of all these kinds represent good practice in administering the Act.

The land use guidelines will be regarded by the private sector as a strong signal of the government's objectives and

intents regarding development. Of particularly great concern to the Commission has been the virtual exclusion of this sector's activities from the provisions of the *Environmental Assessment Act*. While all public undertakings likely to have significant environmental effects are subject to the Act unless exempted, private projects are not subject to it unless specifically designated by Cabinet. To date, only four such projects have been designated subject to the Act: Reed Limited's activities, the proposed Onakawana lignite development, a hydro-electric dam on the Spanish River, and a proposal to dispose of sewage sludge on an island in the Detroit River. Now that the government has acquired considerable experience in using the Act to assess public sector undertakings, application of the Act to the private sector is long overdue; the government has been remiss in not actively working toward the goal of applying it to all significant undertakings.

The Ministry of the Environment takes the position that application of the *Environmental Assessment Act* should be deferred to later subsystems in the Ministry of Natural Resources' planning system generally, but not necessarily, after the land use guidelines have been completed. Representatives of the Ministry of the Environment informed the Commission at its hearings in Thunder Bay on April 27 and 28, 1983 that three class environmental assessments were in preparation at the resource management level. The two that remain of particular interest to the Commission have to do with forest management on Crown lands and the provincial parks program. Moreover, nine class environmental assessments covering Ministry of Natural Resources' activities at the work program planning level had already been approved at that time. These deal mainly with minor activities; of these assessments, the only one of particular interest to the Commission is that dealing with access roads to Ministry of Natural Resources' facilities.

The Commission has two main concerns regarding the application of the Act in the case of the class environment assessments under preparation for forest management and the provincial parks program. The first is the exercise by the Ministry of the Environment of its authority, under Section 29 of the Act, to grant series of continuing, temporary, interim exemptions to each undertaking. Such exemptions are "subject to such terms and conditions as the Minister may impose", including normally an expiry date, public notice and involvement, and provisions for "bumping-up" a particular undertaking within the class to full individual environmental assessment status. The second concern centres on the Ministry of Natural Resources' insistence that the class approach is an appropriate one for such environmentally significant management activities.

In the case of forest management and the provincial parks program, the exemptions have been granted primarily in order to

allow the Ministry of Natural Resources sufficient time to prepare satisfactory class environmental assessment documents, a precondition for the approval of the undertakings under the Act.

The undertaking described as "forest management by the Ministry of Natural Resources of Crown land presently included within forest management units" has been exempted continuously since June 27, 1977. The undertaking described as "the carrying out of the Provincial Parks Program" has been exempted since July 31, 1980. In the latter case, two kinds of exemption order have been issued. Order MNR-43 dated in June, 1983 exempts the setting aside of six large wilderness areas, four of them in Ontario North of 50°, as provincial parks, together with the acquisition of the property and interim management. Order MNR-30, first issued July 31, 1980 and subsequently extended to the present, provides for temporary exemption of the carrying out of the provincial parks program, including implementation of master, site and management plans, visitor programs and other development activities.

Although the Ministry of Natural Resources has submitted several drafts of a class environmental assessment for forest management, most recently in September, 1983, it has not yet produced a satisfactory version. Nor has it convinced the Ministry of the Environment and interest groups that the class approach is an appropriate one for undertakings of such magnitude. The Commission shares these reservations.

This is a perplexing and intolerable situation. The Ministry of Natural Resources has been in a position to sign new Forest Management Agreements and to prepare and implement forest management plans that have not been environmentally assessed, and has been allowed to do so because it has not been able to produce an assessment document acceptable under the Act. Under these circumstances, the Ministry appears to lack any incentive to do a better job. As regards the provincial parks program, the situation is analogous and equally disturbing. The Ministry has been able to allocate extensive areas to wilderness parks, to acquire property for them, and to initiate management activities in them, all without an approved environmental assessment.

Moreover, evidence before the Commission strongly suggests that staff of the Ministry of the Environment's Environmental Assessment Branch may not have reached a common understanding with the two ministries' lawyers about what areas the forest management exemption order is intended to cover. For administrative purposes, the Ministry of Natural Resources divides those Crown lands deemed to have potential for commercial timber harvesting into forest management units, each established by Order-in-Council. It differentiates two classes: company management units, in which a form of tenure (i.e., 21-year licences) to large companies is recognized, and Crown management units containing

tracts of timber that has either never been cut over or has been allocated, at least in part, to small companies under short-term leases. Company management units are now being converted to Forest Management Agreement Areas. Within Ontario North of 50°, hitherto unexploited Crown management units have been designated within the "Reed" tract and some other areas of timber beyond the current reach of the forest access road network.

The draft Class Environmental Assessment for Forest Management on Crown Lands in Ontario, September, 1983, defines the undertaking as follows:

For purposes of this document, the undertaking applies to all managed forest lands on Crown land presently within forest management units (i.e. Crown and Company Management Units and the recently introduced Forest Management Agreement Areas (FMA's) of the major forest industries"

The map accompanying this definition shows all company and all Crown units including those that have never been used for timber harvesting. This is consistent with the exemption order, which defines the undertaking to be exempt as "Forest management by the Ministry of Natural Resources on Crown land presently included within forest management units and associated tree nurseries."

Confusion arose when cross-examiners at the Thunder Bay hearings on April 27 and 28, including the Commission's counsel, sought to establish whether the exemption order applies to both Crown and company units. Staff of the Environmental Assessment Branch suggested that it applies only to already licenced areas, pointing out that the "Reed" tract was a special case for which an individual environmental assessment had already been committed and that the question of whether or not other unallocated Crown management units would also be subject to individual assessment was one that would have to be decided case by case. M.B. Jackson, counsel for the Ministry of the Environment, was more emphatic when questioned by Commission counsel:

"Gaylord Watkins: But apart from the Reed area, then, you anticipate that the class assessment process would cover both Crown units and units allocated to companies?"

"Mr. Jackson: That's right." (Transcript, Volume Four, p. 45)

This opinion seems much more consistent with the wording of both the draft assessment and the exemption order.

The fourth piece of evidence supporting the Commission's pessimism over prospects of effective application of the Act to

the Ministry of Natural Resources' planning is found in the troublesome exemption order MNR-26, which defines the undertaking as "Disposition by the Ministry of Natural Resources of certain or all rights to Crown resources for activities not otherwise subject to the Act." Disposition of Crown land is clearly a public undertaking and therefore requires either an approval or an exemption. The intent of MNR-26 is to exempt dispositions of Crown land to a private commercial, business, or industrial enterprise for a private sector activity not covered by the Act. Undertakings that could bypass environmental assessment in this manner could be substantial in impact - a large private industry road, for example, even if it is to be constructed on Crown lands with public funding. The order also exempts dispositions of Crown lands in such forms as allocation of trapping or fishing licences or the issuing of land use permits for tourist camps. While individual dispositions of these kinds are obviously small in scale, large numbers of them, stemming consistently from the prescriptions in land use guidelines, could exert a consequential cumulative impact on the sensitive environment of Ontario North of 50°.

